



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 29, 2015

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House File 114 - Introduced

HOUSE FILE 114
BY ABDUL-SAMAD

A BILL FOR

1 An Act prohibiting disconnection of utility service under
2 certain circumstances for a designated annual time period
3 for utility customers eligible to participate in specified
4 programs.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1968YH (2) 86
rn/nh



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H.F. 114

1 Section 1. Section 476.20, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. The board shall establish rules requiring a regulated
4 public utility furnishing gas or electricity to include in
5 the utility's notice of pending disconnection of service a
6 written statement advising the customer that the customer
7 may be eligible to participate in the low income home energy
8 assistance program or weatherization assistance program
9 administered by the division of community action agencies of
10 the department of human rights. The written statement shall
11 list the address and telephone number of the local agency
12 which is administering the customer's low income home energy
13 assistance program and the weatherization assistance program.
14 The written statement shall also state that the customer
15 is advised to contact the public utility to settle any of
16 the customer's complaints with the public utility, but if a
17 complaint is not settled to the customer's satisfaction, the
18 customer may file the complaint with the board. The written
19 statement shall include the address and phone number of the
20 board. If the notice of pending disconnection of service
21 applies to a residence, the written statement shall advise that
22 the disconnection does not apply from November 1 through April
23 1, or from June 1 through September 1 during periods of extreme
24 heat, for a resident who is a "head of household", as defined
25 by law, and who has been certified to the public utility by the
26 local agency which is administering the low income home energy
27 assistance program and weatherization assistance program as
28 being eligible for either the low income home energy assistance
29 program or weatherization assistance program, and that if such
30 a resident resides within the serviced residence, the customer
31 should promptly have the qualifying resident notify the local
32 agency which is administering the low income home energy
33 assistance program and weatherization assistance program.
34 The board shall establish rules requiring that the written
35 notice contain additional information as it deems necessary

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1 and appropriate. The board shall also adopt rules determining
2 temperature ranges and durations which constitute "periods of
3 extreme heat" for purposes of this section.

4 Sec. 2. Section 476.20, subsection 3, paragraph b, Code
5 2015, is amended to read as follows:

6 b. A qualified applicant for the low income home energy
7 assistance program or the weatherization assistance program who
8 is also a "head of household", as defined in section 422.4,
9 subsection 7, shall be promptly certified by the local agency
10 administering the applicant's program to the applicant's
11 public utility that the resident is a "head of household" as
12 defined in section 422.4, subsection 7, and is qualified for
13 the low income home energy assistance program or weatherization
14 assistance program. Notwithstanding subsection 1, a public
15 utility furnishing gas or electricity shall not disconnect
16 service from November 1 through April 1, or from June 1 through
17 September 1 during periods of extreme heat as provided in
18 subsection 2, to a residence which has a resident that has been
19 certified under this paragraph.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill prohibits a regulated public utility furnishing
24 gas or electricity from disconnecting utility service under
25 certain circumstances from June 1 through September 1 annually.

26 The bill provides that utility service may not be
27 disconnected during the June 1 through September 1 time
28 frame during periods of "extreme heat" for residential
29 customers eligible to participate in the low income home
30 energy assistance program or weatherization assistance program
31 administered by the division of community action agencies
32 of the department of human rights. Currently, a similar
33 prohibition against disconnection exists applicable to such
34 customers during the time frame of November 1 through April 1
35 annually, regardless of temperature requirements. The bill

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1 requires the Iowa utilities board to adopt administrative rules
2 determining temperature ranges and durations constituting
3 "periods of extreme heat".



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House File 115 - Introduced

HOUSE FILE 115
BY WINDSCHITL

A BILL FOR

1 An Act relating to the definition of person under the criminal
2 code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 702.24 Person and application to
2 crimes against a person.

3 1. Whenever the word "*person*" appears in the criminal
4 code relating to crimes against a person, "*person*" means all
5 living human beings from the beginning of their biological
6 development as human organisms regardless of age, race, sex,
7 gender, capacity to function, condition of physical or mental
8 dependency or disability, or method of sexual or asexual
9 reproduction used, whether existing in vivo or in vitro,
10 and each person is accorded the same rights and protections
11 guaranteed to all persons by the Constitution of the United
12 States, the Constitution of the State of Iowa, and the laws of
13 this state.

14 2. Notwithstanding any other provision of law to the
15 contrary, in the criminal code:

16 a. The elements of a crime against a person shall not be
17 interpreted to preclude the use of medications or procedures
18 necessary to relieve a person's pain or discomfort if the
19 use of the medications or procedures is not intentionally or
20 knowingly prescribed or administered to cause the death of a
21 person.

22 b. The following acts do not constitute a crime against a
23 person:

24 (1) Medical treatment for life-threatening conditions,
25 provided to a person by a physician licensed to practice
26 medicine, which results in the accidental or unintentional
27 injury or death of another person.

28 (2) Legitimate medical treatment for life-threatening
29 conditions not intended to harm a person but which has the
30 foreseeable effect of ending a person's life, including
31 legitimate medical treatment to preserve the life of a pregnant
32 woman even if the foreseeable effect is harm to the fetus, as
33 long as the person providing the medical treatment exercises
34 that degree of professional skill, care, and diligence
35 available to preserve the life and health of the fetus.

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1 (3) The creation of a person through in vitro fertilization.

2 (4) Contraception administered before a clinically
3 diagnosable pregnancy.

4 c. A crime against a person who has not yet been born shall
5 only be charged against the principal actor of the criminal
6 conduct.

7 (1) For the purposes of this lettered paragraph "c", a
8 person is a principal actor if the person does any of the
9 following:

10 (a) Commits an offense punishable under the criminal code or
11 aids, abets, counsels, commands, or procures its commission.

12 (b) Causes an act to be done which, if directly performed by
13 the person, would be punishable under the criminal code.

14 (2) For the purposes of this lettered paragraph "c", the
15 woman who is pregnant with the person who has not yet been born
16 shall not be considered a principal actor.

17 3. This section shall not be interpreted as a basis for
18 insuring to or vesting in a child before the time of live birth
19 or in the biological parents of a child before the time of live
20 birth a pecuniary interest or citizenship status.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill defines "person" for the purposes of the criminal
25 code to be: all living human beings from the beginning of
26 their biological development as human organisms regardless
27 of age, race, sex, gender, capacity to function, condition
28 of physical or mental dependency or disability, or method of
29 sexual or asexual reproduction used, whether existing in vivo
30 or in vitro, and each person is accorded the same rights and
31 protections guaranteed to all persons by the Constitution of
32 the United States, the Constitution of the State of Iowa, and
33 the laws of this state.

34 The bill provides some exemptions to the interpretation
35 and application of crimes against a person based on the

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1 definition. The bill provides that elements of a crime against
2 a person shall not be interpreted to preclude the use of
3 medications or procedures necessary to relieve a person's pain
4 or discomfort if the use of the medications or procedures is
5 not intentionally or knowingly prescribed or administered to
6 cause the death of a person. Additionally, the following acts
7 do not constitute a crime against a person:

8 1. Medical treatment for life-threatening conditions,
9 provided to a person by a physician licensed to practice
10 medicine, which results in the accidental or unintentional
11 injury or death of another person.

12 2. Legitimate medical treatment for life-threatening
13 conditions not intended to harm a person but which has the
14 foreseeable effect of ending a person's life, including
15 legitimate medical treatment to preserve the life of a pregnant
16 woman even if the foreseeable effect is harm to the fetus, as
17 long as the person providing the medical treatment exercises
18 that degree of professional skill, care, and diligence
19 available to preserve the life and health of the fetus.

20 3. The creation of a person through in vitro fertilization.

21 4. Contraception administered before a clinically
22 diagnosable pregnancy.

23 Finally, under the bill, a crime against a person who has not
24 yet been born shall only be charged against the principal actor
25 of the criminal conduct. The bill defines "principal actor"
26 for the purposes of the bill and provides that a woman who is
27 pregnant with the person who has not yet been born is not to be
28 considered a principal actor.

29 The bill also provides that the provisions of the bill are
30 not to be interpreted as a basis for inuring to or vesting in
31 a child before the time of live birth or in the biological
32 parents of a child before the time of live birth a pecuniary
33 interest or citizenship status.

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House File 116 - Introduced

HOUSE FILE 116
BY WINDSCHITL

A BILL FOR

1 An Act providing for employment protections for employees
2 absent from work due to certain adoptions and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1828YH (1) 86
je/sc



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H.F. 116

1 Section 1. Section 216.2, Code 2015, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 01. "*Absence due to an adoption*" includes
4 an absence in order to prepare for or participate in the
5 adoption of a child, or to care for a newly adopted child
6 within the first year of adoption.

7 NEW SUBSECTION. 001. "*Adoption*" means the process of
8 securing legal custody of a child.

9 NEW SUBSECTION. 0001. "*Child*" means a person under six
10 years of age.

11 Sec. 2. Section 216.6, subsection 2, unnumbered paragraph
12 1, Code 2015, is amended to read as follows:

13 Employment policies relating to pregnancy, and childbirth,
14 and adoption shall be governed by the following:

15 Sec. 3. Section 216.6, subsection 2, paragraphs a, d, and e,
16 Code 2015, are amended to read as follows:

17 a. A written or unwritten employment policy or practice
18 which excludes from employment applicants or employees because
19 of the employee's pregnancy or adoption is a prima facie
20 violation of this chapter.

21 d. An employer shall not terminate the employment of a
22 person disabled by pregnancy or absent due to an adoption
23 because of the employee's pregnancy or absence.

24 e. Where a leave is not available or a sufficient leave
25 is not available under any health or temporary disability
26 insurance or sick leave plan available in connection with
27 employment, the employer of the pregnant or adopting employee
28 shall not refuse to grant to the employee who is disabled by
29 the pregnancy, or absent due to an adoption, a leave of absence
30 if the leave of absence is for the period that the employee is
31 disabled because of the employee's pregnancy, childbirth, or
32 related medical conditions, or preparing for or participating
33 in the adoption of a child, or caring for a newly adopted
34 child within the first year of adoption, or for eight weeks,
35 whichever is less. However, the employee must provide timely

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1 notice of the period of leave requested and the employer must
2 approve any change in the period requested before the change is
3 effective. Before granting the leave of absence, the employer
4 may require ~~that~~ one of the following:

5 (1) That the employee's disability resulting from pregnancy
6 be verified by medical certification stating that the employee
7 is not able to reasonably perform the duties of employment.

8 (2) That the employee's adoption of a child be verified by
9 documentation of the adoption and that the employee certify in
10 writing that the employee will not able to reasonably perform
11 the duties of employment because the employee will be preparing
12 for or participating in the adoption of a child, or caring for
13 a newly adopted child within the first year of adoption.

14 Sec. 4. Section 216.6, subsection 2, Code 2015, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *0c.* An employee's absence due to an adoption
17 shall, for all job-related purposes, be treated in the same
18 manner as a temporary disability under any health or temporary
19 disability insurance or sick leave plan available in connection
20 with employment. Written and unwritten employment policies
21 and practices involving matters such as the commencement and
22 duration of leave, the availability of extensions, the accrual
23 of seniority, and other benefits and privileges, reinstatement,
24 and payment under any health or temporary disability insurance
25 or sick leave plan, formal or informal, shall be applied to an
26 employee's absence due to an adoption on the same terms and
27 conditions as they are applied to temporary disabilities.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 Code chapter 216, the Iowa civil rights Act, provides
32 certain employment protections to employees relating to
33 pregnancy and childbirth. This bill provides that these
34 protections also apply to employees who are absent from work
35 due to an adoption. The bill defines "adoption" as the

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1 process of securing legal custody of a child. The bill defines
2 "absence due to an adoption" to include an absence in order
3 to prepare for or participate in the adoption of a child, or
4 to care for a newly adopted child within the first year of
5 adoption. The bill defines "child" as a person under six years
6 of age.

7 The bill provides that an employment policy or practice
8 which excludes from employment applicants or employees because
9 of the employee's adoption is a prima facie violation of Code
10 chapter 216.

11 The bill provides that an employee's absence due to an
12 adoption shall, for all job-related purposes, be treated in
13 the same manner as a temporary disability under any health or
14 temporary disability insurance or sick leave plan available in
15 connection with employment. The bill provides that employment
16 policies and practices involving certain matters such as the
17 commencement and duration of leave, the accrual of seniority,
18 and payment under any health or temporary disability insurance
19 or sick leave plan shall be applied to an employee's absence
20 due to an adoption on the same terms and conditions as they are
21 applied to temporary disabilities.

22 The bill prohibits an employer from terminating the
23 employment of a person absent due to an adoption because of the
24 employee's absence.

25 Where a leave is not available or a sufficient leave is not
26 available under any health or temporary disability insurance
27 or sick leave plan available in connection with employment,
28 the bill prohibits an employer of an adopting employee from
29 refusing to grant to the employee a leave of absence if
30 the leave of absence is for the period that the employee is
31 preparing for or participating in the adoption of a child,
32 or caring for a newly adopted child within the first year of
33 adoption, or for eight weeks, whichever is less. The employee
34 must provide timely notice of the period of leave requested.
35 The employer may first require that the employee's adoption

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1 of a child be verified by documentation and that the employee
2 certify that the employee will not able to reasonably perform
3 the duties of employment because the employee will be preparing
4 for or participating in the adoption of a child, or caring for
5 a newly adopted child within the first year of adoption.
6 Penalty provisions for discriminatory employment practices
7 are made applicable to violations of the employment protections
8 granted by the bill.



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House File 117 - Introduced

HOUSE FILE 117
BY DEYOE

A BILL FOR

1 An Act prohibiting the hunting or taking of cougars and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/sc



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H.F. 117

1 Section 1. NEW SECTION. 481A.49 Cougars.

2 The commission shall not establish a season for hunting
3 cougars.

4 Sec. 2. NEW SECTION. 481B.5A Cougars — taking prohibited.

5 1. A person shall not take or attempt to take a cougar.

6 2. This section does not prohibit any of the following:

7 a. A person acting to carry out an order issued by a court.

8 b. A licensed veterinarian practicing veterinary medicine as
9 provided in chapter 169.

10 c. An action to protect private property from damage as
11 provided by rules adopted by the department. The action may
12 be conducted by the department of natural resources, including
13 a wild animal depredation biologist, or by an agricultural
14 producer suffering financial losses from the destruction of
15 livestock.

16 d. A person reasonably acting to protect a person from
17 injury or death caused by a cougar.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill provides that a person is prohibited from taking
22 or attempting to take a cougar. A taking includes wounding,
23 killing, trapping, capturing, or collecting (Code section
24 481B.1). The bill provides for a number of exceptions.
25 A person violating the prohibition is guilty of a simple
26 misdemeanor (Code section 481B.10). A simple misdemeanor is
27 punishable by confinement for no more than 30 days or a fine of
28 at least \$65 but not more than \$625 or by both.

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House File 118 - Introduced

HOUSE FILE 118

BY KRESSIG, DAWSON, McCONKEY,
HALL, MEYER, BROWN-POWERS,
THEDE, H. MILLER, HANSON,
STAED, BERRY, BEARINGER,
KEARNS, T. TAYLOR, OURTH,
GASKILL, ABDUL-SAMAD,
PRICHARD, STECKMAN,
WINCKLER, LENSING,
STUTSMAN, FORBES,
HUNTER, MASCHER, DUNKEL,
FINKENAUER, GAINES, COHOON,
LYKAM, OLSON, and OLDSON

A BILL FOR

1 An Act striking certain statutory repeal provisions relating
2 to the state sales and use tax and the secure an advanced
3 vision for education fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. 118

1 Section 1. Section 423.2, subsection 11, paragraph b,
2 subparagraph (3), Code 2015, is amended to read as follows:
3 (3) Transfer one-sixth of the remaining revenues to the
4 secure an advanced vision for education fund created in section
5 423F.2. ~~This subparagraph (3) is repealed December 31, 2029.~~
6 Sec. 2. Section 423.2, subsection 13, Code 2015, is amended
7 by striking the subsection.
8 Sec. 3. Section 423.5, subsection 5, Code 2015, is amended
9 by striking the subsection.
10 Sec. 4. Section 423.43, subsection 1, paragraph b, Code
11 2015, is amended to read as follows:
12 b. Subsequent to the deposit into the general fund of
13 the state and after the transfer of such revenues collected
14 under chapter 423B, the department shall transfer one-sixth of
15 such remaining revenues to the secure an advanced vision for
16 education fund created in section 423F.2. ~~This paragraph is~~
17 ~~repealed December 31, 2029.~~
18 Sec. 5. REPEAL. Section 423F.6, Code 2015, is repealed.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 Code section 423.2 imposes a state sales tax of 6 percent
23 upon the sales price of all sales of tangible personal
24 property, consisting of goods, wares, merchandise, and other
25 items designated by statute, sold at retail in the state to
26 consumers, except as otherwise provided by Code chapter 423.
27 Generally, by operation of law, a sale subject to the sales
28 tax is also subject to the use tax. Following the transfer
29 of amounts required by statute, one-sixth of the remaining
30 state sales tax revenue from the 6 percent tax is transferred
31 to the secure an advanced vision for education (SAVE) fund
32 created in Code section 423F.2. Moneys in the SAVE fund are
33 allocated to school districts on a per pupil basis to be
34 used for infrastructure and property tax reduction purposes
35 specified in Code chapter 423F. Under current law, the sales

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1 and use tax rate of 6 percent is reduced to 5 percent on January
2 1, 2030, and Code chapter 423F, along with other corresponding
3 provisions, is repealed December 31, 2029.

4 This bill repeals Code section 423F.6, which currently
5 provides for the repeal of Code chapter 423F on December 31,
6 2029. The bill also strikes corresponding repeal provisions
7 relating to the allocation of sales tax revenue and provisions
8 that reduce the state sales and use tax rate from 6 percent to 5
9 percent beginning January 1, 2030.



Iowa General Assembly
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House Study Bill 100 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to the Iowa health information network, and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 DIVISION I

2 IOWA HEALTH INFORMATION NETWORK — FUTURE ADMINISTRATION BY
3 DESIGNATED ENTITY

4 Section 1. NEW SECTION. 135D.1 Short title.

5 This chapter shall be known and may be cited as the “*Iowa*
6 *Health Information Network Act*”.

7 Sec. 2. NEW SECTION. 135D.2 Definitions.

8 As used in this chapter, unless the context otherwise
9 requires:

- 10 1. “*Board of directors*” or “*board*” means the entity that
11 governs and administers the Iowa health information network.
12 2. “*Care coordination*” means the management of all aspects
13 of a patient’s care to improve health care quality.
14 3. “*Department*” means the department of public health.
15 4. “*Designated entity*” means the nonprofit corporation
16 designated by the department through a competitive process as
17 the entity responsible for administering and governing the Iowa
18 health information network.
19 5. “*Exchange*” means the authorized electronic sharing of
20 health information between health care professionals, payors,
21 consumers, public health agencies, the designated entity, the
22 department, and other authorized participants utilizing the
23 Iowa health information network and Iowa health information
24 network services.
25 6. “*Health care professional*” means a person who is
26 licensed, certified, or otherwise authorized or permitted by
27 the law of this state to administer health care in the ordinary
28 course of business or in the practice of a profession.
29 7. “*Health information*” means health information as defined
30 in 45 C.F.R. §160.103 that is created or received by an
31 authorized participant.
32 8. “*Health information technology*” means the application
33 of information processing, involving both computer hardware
34 and software, that deals with the storage, retrieval, sharing,
35 and use of health care information, data, and knowledge for

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1 communication, decision making, quality, safety, and efficiency
2 of clinical practice, and may include but is not limited to:

3 a. An electronic health record that electronically compiles
4 and maintains health information that may be derived from
5 multiple sources about the health status of an individual and
6 may include a core subset of each care delivery organization's
7 electronic medical record such as a continuity of care record
8 or a continuity of care document, computerized physician order
9 entry, electronic prescribing, or clinical decision support.

10 b. A personal health record through which an individual and
11 any other person authorized by the individual can maintain and
12 manage the individual's health information.

13 c. An electronic medical record that is used by health care
14 professionals to electronically document, monitor, and manage
15 health care delivery within a care delivery organization, is
16 the legal record of the patient's encounter with the care
17 delivery organization, and is owned by the care delivery
18 organization.

19 d. A computerized provider order entry function that permits
20 the electronic ordering of diagnostic and treatment services,
21 including prescription drugs.

22 e. A decision support function to assist physicians and
23 other health care providers in making clinical decisions by
24 providing electronic alerts and reminders to improve compliance
25 with best practices, promote regular screenings and other
26 preventive practices, and facilitate diagnosis and treatments.

27 f. Tools to allow for the collection, analysis, and
28 reporting of information or data on adverse events, the quality
29 and efficiency of care, patient satisfaction, and other health
30 care-related performance measures.

31 9. "*Health Insurance Portability and Accountability Act*"
32 or "*HIPAA*" means the federal Health Insurance Portability and
33 Accountability Act of 1996, Pub. L. No. 104-191, including
34 amendments thereto and regulations promulgated thereunder.

35 10. "*Hospital*" means a licensed hospital as defined in

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1 section 135B.1.

2 11. "*Interoperability*" means the ability of two or more
3 systems or components to exchange information or data in an
4 accurate, effective, secure, and consistent manner and to use
5 the information or data that has been exchanged and includes
6 but is not limited to:

7 a. The capacity to connect to a network for the purpose of
8 exchanging information or data with other users.

9 b. The ability of a connected, authenticated user to
10 demonstrate appropriate permissions to participate in the
11 instant transaction over the network.

12 c. The capacity of a connected, authenticated user to
13 access, transmit, receive, and exchange usable information with
14 other users.

15 12. "*Iowa health information network*" or "*network*" means the
16 statewide health information technology network that is the
17 sole statewide network for Iowa pursuant to this chapter.

18 13. "*Iowa Medicaid enterprise*" means the centralized
19 medical assistance program infrastructure, based on a business
20 enterprise model, and designed to foster collaboration among
21 all program stakeholders by focusing on quality, integrity, and
22 consistency.

23 14. "*Participant*" means an authorized health care
24 professional, payor, patient, health care organization, public
25 health agency, or the department that has agreed to authorize,
26 submit, access, or disclose health information through the Iowa
27 health information network in accordance with this chapter
28 and all applicable laws, rules, agreements, policies, and
29 standards.

30 15. "*Patient*" means a person who has received or is
31 receiving health services from a health care professional.

32 16. "*Payor*" means a person who makes payments for health
33 services, including but not limited to an insurance company,
34 self-insured employer, government program, individual, or other
35 purchaser that makes such payments.

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1 17. "*Protected health information*" means protected health
2 information as defined in 45 C.F.R. §160.103 that is created or
3 received by an authorized participant.

4 18. "*Public health activities*" means actions taken by a
5 participant in its capacity as a public health authority under
6 the Health Insurance Portability and Accountability Act or as
7 required or permitted by other federal or state law.

8 19. "*Public health agency*" means an entity that is governed
9 by or contractually responsible to a local board of health or
10 the department to provide services focused on the health status
11 of population groups and their environments.

12 20. "*Record locator service*" means the functionality of the
13 Iowa health information network that queries data sources to
14 locate and identify potential patient records.

15 Sec. 3. NEW SECTION. 135D.3 Iowa health information network
16 — findings and intent.

17 1. The general assembly finds all of the following:

18 a. Technology used to support health care-related functions
19 is known as health information technology. Health information
20 technology provides a mechanism to transform the delivery of
21 health and medical care in Iowa and across the nation.

22 b. Health information technology is rapidly evolving to
23 contribute to the goals of improving the experience of care,
24 improving the health of populations, and reducing per capita
25 costs of health care.

26 c. A health information network involves the secure
27 electronic sharing of health information across the boundaries
28 of individual practice and institutional health settings and
29 with consumers. The broad use of health information technology
30 and a health information network should improve health care
31 quality and the overall health of the population, increase
32 efficiencies in administrative health care, reduce unnecessary
33 health care costs, and help prevent medical errors.

34 d. All health information technology efforts shall endeavor
35 to represent the interests and meet the needs of consumers and

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1 the health care sector, protect the privacy of individuals
2 and the confidentiality of individuals' information, promote
3 best practices, and make information easily accessible to
4 the members of the patient-centered care coordination team,
5 including but not limited to patients, providers, and payors.

6 2. It is the intent of the general assembly that the Iowa
7 health information network shall not constitute a health
8 benefit network or a health insurance network.

9 Sec. 4. NEW SECTION. 135D.4 Iowa health information network
10 — principles — technical infrastructure requirements.

11 1. The Iowa health information network shall be
12 administered and governed by a designated entity using, at a
13 minimum, the following principles:

14 a. Be patient-centered and market-driven.

15 b. Comply with established national standards.

16 c. Protect the privacy of consumers and the security and
17 confidentiality of all health information.

18 d. Promote interoperability.

19 e. Increase the accuracy, completeness, and uniformity of
20 data.

21 f. Preserve the choice of the patient to have the patient's
22 health information available through the record locator
23 service.

24 g. Provide education to the general public and provider
25 communities on the value and benefits of health information
26 technology.

27 2. Widespread adoption of health information technology is
28 critical to a successful Iowa health information network and is
29 best achieved when all of the following occur:

30 a. The network, through the designated entity complying
31 with chapter 504 and reporting as required under this chapter,
32 operates in an entrepreneurial and businesslike manner in which
33 it is accountable to all participants utilizing the network's
34 products and services.

35 b. The network provides a variety of services from which to



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1 choose in order to best fit the needs of the user.

2 *c.* The network is financed by all who benefit from the
3 improved quality, efficiency, savings, and other benefits that
4 result from use of health information technology.

5 *d.* The network is operated with integrity and freedom from
6 political influence.

7 3. The Iowa health information network technical
8 infrastructure shall provide a mechanism for all of the
9 following:

10 *a.* The facilitation and support of the secure electronic
11 exchange of health information between participants.

12 *b.* Participants without an electronic health records system
13 to access health information from the Iowa health information
14 network.

15 4. Nothing in this chapter shall be interpreted to
16 impede or preclude the formation and operation of regional,
17 population-specific, or local health information networks
18 or the participation of such networks in the Iowa health
19 information network.

20 Sec. 5. NEW SECTION. 135D.5 **Designated entity —**
21 **administration and governance.**

22 1. The Iowa health information network shall be
23 administered and governed by a designated entity selected by
24 the department through a competitive process. The designated
25 entity shall be established as a nonprofit corporation
26 organized under chapter 504. Unless otherwise provided in
27 this chapter, the corporation is subject to the provisions of
28 chapter 504. The designated entity shall be established for
29 the purpose of administering and governing the statewide Iowa
30 health information network.

31 2. The designated entity shall collaborate with the
32 department, but the designated entity shall not be considered,
33 in whole or in part, an agency, department, or administrative
34 unit of the state.

35 *a.* The designated entity shall not be required to comply

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1 with any requirements that apply to a state agency, department,
2 or administrative unit and shall not exercise any sovereign
3 power of the state.

4 *b.* The designated entity does not have authority to pledge
5 the credit of the state. The assets and liabilities of
6 the designated entity shall be separate from the assets and
7 liabilities of the state and the state shall not be liable
8 for the debts or obligations of the designated entity. All
9 debts and obligations of the designated entity shall be payable
10 solely from the designated entity's funds. The state shall
11 not guarantee any obligation of or have any obligation to the
12 designated entity.

13 3. The articles of incorporation of the designated entity
14 shall provide for its governance and its efficient management.
15 In providing for its governance, the articles of the designated
16 entity shall address the following:

17 *a.* A board of directors to govern the designated entity.

18 *b.* The appointment of a chief executive officer by the board
19 to manage the designated entity's daily operations.

20 *c.* The delegation of such powers and responsibilities to the
21 chief executive officer as may be necessary for the designated
22 entity's efficient operation.

23 *d.* The employment of personnel necessary for the efficient
24 performance of the duties assigned to the designated entity.
25 All such personnel shall be considered employees of a private,
26 nonprofit corporation and shall be exempt from the personnel
27 requirements imposed on state agencies, departments, and
28 administrative units.

29 *e.* The financial operations of the designated entity
30 including the authority to receive and expend funds from public
31 and private sources and to use its property, money, or other
32 resources for the purpose of the designated entity.

33 **Sec. 6. NEW SECTION. 135D.6 Board of directors —**
34 **composition — duties.**

35 1. The designated entity shall be administered by a board

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1 of directors.

2 2. A single industry shall not be disproportionately
3 represented as voting members of the board. The board shall
4 include at least one member who is a consumer of health
5 services and a majority of the voting members of the board
6 shall be representative of participants in the Iowa health
7 information network. The director of public health or the
8 director's designee and the director of the Iowa Medicaid
9 enterprise or the director's designee shall act as voting
10 members of the board. The commissioner of insurance shall act
11 as an ex officio, nonvoting member of the board. Individuals
12 serving in an ex officio, nonvoting capacity shall not be
13 included in the total number of individuals authorized as
14 members of the board.

15 3. The board of directors shall do all of the following:

16 a. Ensure that the designated entity enters into contracts
17 with each state agency necessary for state reporting
18 requirements.

19 b. Develop, implement, and enforce the following:

20 (1) A single patient identifier or alternative mechanism to
21 share secure patient information that is utilized by all health
22 care professionals.

23 (2) Standards, requirements, policies, and procedures for
24 access to, use, secondary use, privacy, and security of health
25 information exchanged through the Iowa health information
26 network, consistent with applicable federal and state standards
27 and laws.

28 c. Direct a public and private collaborative effort to
29 promote the adoption and use of health information technology
30 in the state to improve health care quality, increase patient
31 safety, reduce health care costs, enhance public health,
32 and empower individuals and health care professionals with
33 comprehensive, real-time medical information to provide
34 continuity of care and make the best health care decisions.

35 d. Educate the public and the health care sector about

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1 the value of health information technology in improving
2 patient care, and methods to promote increased support and
3 collaboration of state and local public health agencies,
4 health care professionals, and consumers in health information
5 technology initiatives.

6 *e.* Work to align interstate and intrastate interoperability
7 standards in accordance with national health information
8 exchange standards.

9 *f.* Provide an annual budget and fiscal report for the Iowa
10 health information network to the governor, the department
11 of public health, the department of management, the chairs
12 and ranking members of the legislative government oversight
13 standing committees, and the legislative services agency.
14 The report shall also include information about the services
15 provided through the network and information on the participant
16 usage of the network.

17 **Sec. 7. NEW SECTION. 135D.7 Legal and policy — liability**
18 **— confidentiality.**

19 1. The board shall implement industry-accepted security
20 standards, policies, and procedures to protect the transmission
21 and receipt of protected health information exchanged through
22 the Iowa health information network, which shall, at a minimum,
23 comply with HIPAA and shall include all of the following:

24 *a.* A secure and traceable electronic audit system to
25 document and monitor the sender and recipient of health
26 information exchanged through the Iowa health information
27 network.

28 *b.* A required standard participation agreement which
29 defines the minimum privacy and security obligations of all
30 participants using the Iowa health information network and
31 services available through the Iowa health information network.

32 *c.* The opportunity for a patient to decline exchange of the
33 patient's health information through the record locator service
34 of the Iowa health information network.

35 (1) A patient shall not be denied care or treatment for

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1 declining to exchange the patient's health information, in
2 whole or in part, through the network.

3 (2) The board shall provide the means and process by which
4 a patient may decline participation. The means and process
5 utilized shall minimize the burden on patients and health care
6 professionals.

7 (3) Unless otherwise authorized by law or rule, a patient's
8 decision to decline participation means that none of the
9 patient's health information shall be accessible through the
10 record locator service function of the Iowa health information
11 network. A patient's decision to decline having health
12 information shared through the record locator service function
13 shall not limit a health care professional with whom the
14 patient has or is considering a treatment relationship from
15 sharing health information concerning the patient through
16 the secure messaging function of the Iowa health information
17 network.

18 (4) A patient who declines participation in the Iowa health
19 information network may later decide to have health information
20 shared through the network. A patient who is participating in
21 the network may later decline participation in the network.

22 2. A participant shall not be compelled by subpoena, court
23 order, or other process of law to access health information
24 through the Iowa health information network in order to gather
25 records or information not created by the participant.

26 3. A participant exchanging health information and data
27 through the Iowa health information network shall grant to
28 other participants of the network a nonexclusive license to
29 retrieve and use that information in accordance with applicable
30 state and federal laws, and the policies and standards
31 established by the board.

32 4. A health care professional who relies reasonably and
33 in good faith upon any health information provided through
34 the Iowa health information network in treatment of a patient
35 who is the subject of the health information shall be immune

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1 from criminal or civil liability arising from the damages
2 caused by such reasonable, good-faith reliance. Such immunity
3 shall not apply to acts or omissions constituting negligence,
4 recklessness, or intentional misconduct.

5 5. A participant who has disclosed health information
6 through the Iowa health information network in compliance with
7 applicable law and the standards, requirements, policies,
8 procedures, and agreements of the network shall not be subject
9 to criminal or civil liability for the use or disclosure of the
10 health information by another participant.

11 6. The following records shall be confidential records
12 pursuant to chapter 22, unless otherwise ordered by a court or
13 consented to by the patient or by a person duly authorized to
14 release such information:

15 a. The health information contained in, stored in, submitted
16 to, transferred or exchanged by, or released from the Iowa
17 health information network.

18 b. Any health information in the possession of the board due
19 to its administration of the Iowa health information network.

20 7. Unless otherwise provided in this chapter, when sharing
21 health information through the Iowa health information network
22 or a private health information network maintained in this
23 state that complies with the privacy and security requirements
24 of this chapter for the purposes of patient treatment, payment
25 or health care operations, as such terms are defined in
26 HIPAA, or for the purposes of public health activities or
27 care coordination, a participant authorized by the designated
28 entity to use the record locator service is exempt from any
29 other state law that is more restrictive than HIPAA that would
30 otherwise prevent or hinder the exchange of patient information
31 by the participant.

32 8. A patient aggrieved or adversely affected by the
33 designated entity's failure to comply with subsection 1,
34 paragraph "c", may bring a civil action for equitable relief as
35 the court deems appropriate.

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1 Sec. 8. REPEAL. Sections 135.154, 135.155, 135.155A,
2 135.156, 135.156A, 135.156B, 135.156C, 135.156D, 135.156E,
3 and 135.156F, are repealed upon the assumption of the
4 administration and governance, including but not limited to the
5 assumption of the assets and liabilities, of the Iowa health
6 information network by the designated entity. The department
7 of public health shall notify the Code editor of the date of
8 such assumption by the designated entity.

9 Sec. 9. EFFECTIVE DATES. This division of this Act
10 takes effect upon the assumption of the administration and
11 governance, including but not limited to the assumption of the
12 assets and liabilities, of the Iowa health information network
13 by the designated entity. The department of public health
14 shall notify the Code editor of the date of such assumption by
15 the designated entity.

16 DIVISION II

17 SELECTION OF DESIGNATED ENTITY

18 AND TRANSITION PROVISIONS

19 Sec. 10. Section 135.154, Code 2015, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 3A. "*Care coordination*" means the
22 management of all aspects of a patient's care to improve health
23 care quality.

24 NEW SUBSECTION. 19A. "*Public health activities*" means
25 actions taken by a participant in its capacity as a public
26 health authority under the Health Insurance Portability and
27 Accountability Act or as required or permitted by other federal
28 or state law.

29 NEW SUBSECTION. 23. "*Record locator service*" means the
30 functionality of the Iowa health information network that
31 queries data sources to locate and identify potential patient
32 records.

33 Sec. 11. Section 135.155, subsection 2, Code 2015, is
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. f. Preserve the choice of the patient to

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1 have the patient's health information available through the
2 record locator service.

3 Sec. 12. Section 135.156E, subsections 2 and 13, Code 2015,
4 are amended to read as follows:

5 2. A patient shall have the opportunity to decline exchange
6 of the patient's health information through the record locator
7 service of the Iowa health information network. A patient
8 shall not be denied care or treatment for declining to exchange
9 the patient's health information, in whole or in part, through
10 the record locator service of the Iowa health information
11 network. The board shall provide by rule the means and process
12 by which patients may decline participation. The means and
13 process utilized under the rules shall minimize the burden on
14 patients and health care professionals.

15 13. Unless otherwise provided in this division, when
16 using sharing health information through the Iowa health
17 information network or a private health information network
18 maintained in this state that complies with the privacy and
19 security requirements of this chapter for the purposes of
20 patient treatment, payment, or health care operations, as
21 such terms are defined in the Health Insurance Portability
22 and Accountability Act, or for the purposes of public health
23 activities or care coordination, a ~~health care professional~~
24 ~~or a hospital~~ participant authorized to use the record
25 locator service is exempt from any other state law that is
26 more restrictive than the Health Insurance Portability and
27 Accountability Act that would otherwise prevent or hinder the
28 exchange of patient information by the patient's health care
29 professional or hospital such participant.

30 Sec. 13. SELECTION OF A DESIGNATED ENTITY. The department
31 of public health shall utilize a competitive process to select
32 a designated entity to administer and govern the Iowa health
33 information network.

34 Sec. 14. CONTINUATION OF PARTICIPATION AGREEMENTS. If
35 the department of public health selects a designated entity

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1 pursuant to this division of this Act, the designated entity
2 shall continue any agreement between an authorized participant
3 and the Iowa health information network existing upon the
4 transition of the assumption of the administration and
5 governance, including but not limited to the assumption of
6 the assets and liabilities of the Iowa health information
7 network by the designated entity, under the same terms through
8 completion of the original agreement period.

9 Sec. 15. IOWA HEALTH INFORMATION NETWORK FUND. If the
10 department of public health selects a designated entity
11 pursuant to this division of this Act, any moneys remaining
12 in the Iowa health information network fund established
13 pursuant to section 135.156C, Code 2015, that are obligated or
14 encumbered for expenses related to the Iowa health information
15 network prior to the assumption of the administration and
16 governance, including but not limited to the assumption of the
17 assets and liabilities, of the Iowa health information network
18 by the designated entity, shall be retained by the department.
19 The remainder of the moneys in the fund shall be transferred to
20 the designated entity upon the assumption of the administration
21 and governance of the Iowa health information network.

22 Sec. 16. TRANSFER OF ASSETS AND LIABILITIES AND
23 ADMINISTRATIVE RESPONSIBILITIES TO THE DESIGNATED ENTITY. If
24 the department of public health selects a designated entity
25 pursuant to this division of this Act, the department shall
26 continue to provide administrative support to the Iowa health
27 information network as provided in section 135.156, Code
28 2015, until such time as the designated entity assumes such
29 responsibilities. Upon selection of the designated entity, the
30 assets and liabilities of the Iowa health information network
31 shall be transferred to the designated entity.

32 Sec. 17. EFFECTIVE UPON ENACTMENT. This division of this
33 Act, being deemed of immediate importance, takes effect upon
34 enactment.

35

EXPLANATION

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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill provides for the administration and governance of
4 an Iowa health information network by a nonprofit designated
5 entity. The bill creates a new Code chapter, 135D, the Iowa
6 health information network. The new Code chapter includes
7 many of the same provisions existing under Code chapter
8 135, division XXI, which provides for the administration and
9 governance of the Iowa health information network by the
10 department of public health, an electronic health information
11 advisory council, and an executive committee. The bill instead
12 places these functions under a designated entity, which is a
13 nonprofit corporation designated by the department through a
14 competitive process as the entity responsible for administering
15 and governing the network. The bill includes definitions,
16 findings and intent, principles and technical infrastructure
17 requirements, requirements for administration and governance
18 by the designated entity, requirements for the composition and
19 duties of the board of directors of the designated entity, and
20 legal and policy requirements. These provisions take effect
21 only upon the assumption of the administration and governance
22 of the network by the designated entity.

23 The bill makes changes to current Code relating to the
24 definitions of "care coordination", "public health activities",
25 and "record locator service"; the sharing of patient health
26 information available through the record locator service;
27 and the privacy and security requirements applicable to the
28 sharing of patient information by participants authorized
29 to use the record locator service for treatments, payment,
30 health care operations, public health activities, and care
31 coordination. The provisions are effective upon enactment and
32 would continue in effect through the transition period. The
33 bill also provides for the transition of the administration
34 and governance of the Iowa health information network to the
35 designated entity and provides for the repeal of the current

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1 provisions related to the Iowa health information network upon
2 the assumption of the designated entity of the administration
3 and governance of the network.



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House Study Bill 98 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the administration of programs by the
2 economic development authority by creating a renewable
3 chemical production tax credit, modifying the tax credit for
4 investments in qualifying businesses and community-based
5 seed capital funds, modifying the entrepreneur investment
6 awards program, and including effective date and retroactive
7 and other applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I

2 RENEWABLE CHEMICAL PRODUCTION TAX CREDIT

3 Section 1. Section 15.119, subsection 2, Code 2015, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. *h.* The renewable chemical production tax
6 credit program administered pursuant to sections 15.315 through
7 15.320. In allocating tax credits pursuant to this subsection,
8 the authority shall not allocate more than fifteen million
9 dollars for purposes of this paragraph.

10 Sec. 2. NEW SECTION. 15.315 **Short title.**

11 This part shall be known and may be cited as the "*Renewable*
12 *Chemical Production Tax Credit Program*".

13 Sec. 3. NEW SECTION. 15.316 **Definitions.**

14 As used in this part, unless the context otherwise requires:

15 1. "*Biobased content percentage*" means, with respect to any
16 renewable chemical, the amount, expressed as a percentage, of
17 renewable organic material present as determined by testing
18 representative samples using the American society for testing
19 and materials standard D6866.

20 2. "*Biomass feedstock*" means sugar, glycerin, lignin, fat,
21 grease, or oil derived from a plant or animal, or a protein
22 capable of being converted to a building block chemical by
23 means of a biological or chemical conversion process.

24 3. "*Building block chemical*" means a molecule converted
25 from biomass feedstock as a first product that can be
26 further refined into a higher-value chemical, material, or
27 consumer product. "*Building block chemical*" includes but is
28 not limited to glycerol, methanoic or formic acid, arabonic
29 acid, erythronic acid, glyceric acid, glycolic acid, lactic
30 acid, 3-hydroxypropionate, propionic acid, malonic acid,
31 serine, succinic acid, fumaric acid, malic acid, aspartic
32 acid, 3-hydroxybutyrolactone, acetoin, threonine, itaconic
33 acid, furfural, levulinic acid, glutamic acid, xylonic acid,
34 xylaric acid, xylitol, arabitol, citric acid, aconitic acid,
35 5-hydroxymethylfurfural, lysine, gluconic acid, glucaric acid,

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1 sorbitol, gallic acid, ferulic acid, nonfuel butanol, nonfuel
2 ethanol, a polymer or gum that can be produced directly from a
3 protein-based biomass feedstock, or such additional molecules
4 as may be included by the authority by rule.

5 4. "*Eligible business*" means a business meeting the
6 requirements of section 15.317.

7 5. "*Program*" means the renewable chemical production tax
8 credit program administered pursuant to this part.

9 6. "*Renewable chemical*" means a building block chemical
10 with a biobased content percentage of at least fifty percent.
11 "*Renewable chemical*" does not include a chemical sold or used
12 for the production of food, feed, or fuel. "*Renewable chemical*"
13 includes cellulosic ethanol or butanol, but only to the extent
14 that such molecules are produced and sold for uses other than
15 food, feed, or fuel.

16 7. "*Sugar*" means the organic compound glucose, fructose,
17 xylose, arabinose, lactose, sucrose, starch, cellulose, or
18 hemicellulose.

19 Sec. 4. NEW SECTION. 15.317 **Eligibility requirements.**

20 To be eligible to receive the renewable chemical production
21 tax credit pursuant to the program, a business shall meet all
22 of the following requirements:

23 1. The business is physically located in this state.

24 2. The business is operated for profit and under single
25 management.

26 3. The business is not an entity providing professional
27 services, health care services, or medical treatments or an
28 entity engaged primarily in retail operations.

29 4. The business organized, expanded, or located in the state
30 on or after the effective date of this division of this Act.

31 5. The business shall not be relocating or reducing
32 operations as described in section 15.329, subsection 1,
33 paragraph "b", and as determined under the discretion of the
34 authority.

35 6. The business is in compliance with all agreements entered

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1 into under this program or other programs administered by the
2 authority.

3 Sec. 5. NEW SECTION. 15.318 Eligible business application
4 and agreement — maximum tax credits.

5 1. *Application.*

6 a. An eligible business that produces a renewable chemical
7 in this state from biomass feedstock during a calendar year may
8 apply to the authority for the renewable chemical production
9 tax credit provided in section 15.319.

10 b. The application shall be made to the authority in the
11 manner prescribed by the authority.

12 c. The application shall be made during the calendar year
13 following the calendar year in which the renewable chemicals
14 are produced.

15 d. The authority may accept applications on a continuous
16 basis or may establish, by rule, an annual application
17 deadline.

18 e. The application shall include all of the following
19 information:

20 (1) The amount of renewable chemicals produced in the state
21 from biomass feedstock by the eligible business during the
22 calendar year, measured in pounds.

23 (2) Any other information reasonably required by the
24 authority in order to establish and verify eligibility under
25 the program.

26 2. *Agreement and fees.*

27 a. Before being issued a tax credit under section 15.319,
28 an eligible business shall enter into an agreement with the
29 authority for the successful completion of all requirements of
30 the program.

31 b. The compliance cost fees authorized in section 15.330,
32 subsection 12, shall apply to all agreements entered into
33 under this program and shall be collected by the authority in
34 the same manner and to the same extent as described in that
35 subsection.

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1 *c.* An eligible business shall fulfill all the requirements
2 of the program and the agreement before receiving a tax credit
3 or entering into a subsequent agreement under this section.
4 The authority may decline to enter into a subsequent agreement
5 under this section or issue a tax credit if an agreement is not
6 successfully fulfilled.

7 *d.* Upon establishing that all requirements of the program
8 and the agreement have been fulfilled, the authority shall
9 issue a tax credit and related tax credit certificate to the
10 eligible business stating the amount of renewable chemical
11 production tax credit under section 15.319 the eligible
12 business may claim.

13 3. *Maximum tax credit amount.*

14 *a.* The maximum amount of tax credit that may be issued under
15 section 15.319 to an eligible business for the production of
16 renewable chemicals in a calendar year shall not exceed the
17 following:

18 (1) In the case of an eligible business that has been in
19 operation in the state for five years or less at the time of the
20 application, one million dollars.

21 (2) In the case of an eligible business that has been in
22 operation in the state for more than five years at the time of
23 the application, five hundred thousand dollars.

24 *b.* An eligible business shall not receive a tax credit for
25 renewable chemicals produced before the date the business first
26 qualified as an eligible business pursuant to section 15.317.

27 *c.* An eligible business shall not receive more than five tax
28 credits under the program.

29 *d.* The authority shall issue tax credits under the program
30 on a first-come, first-served basis until the maximum amount of
31 tax credits allocated pursuant to section 15.119, subsection
32 2, paragraph "h", is reached. The authority shall maintain
33 a list of successful applicants under the program, so that
34 if the maximum aggregate amount of tax credits is reached in
35 a given fiscal year, eligible businesses that successfully

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1 applied but for which tax credits were not issued shall be
2 placed on a wait list in the order the eligible businesses
3 applied and shall be given priority for receiving tax credits
4 in succeeding fiscal years. Placement on a wait list pursuant
5 to this paragraph shall not constitute a promise binding the
6 state. The availability of a tax credit and issuance of a tax
7 credit certificate pursuant to this subsection in a future
8 fiscal year is contingent upon the availability of tax credits
9 in that particular fiscal year.

10 4. *Termination and repayment.* The failure by an eligible
11 business in fulfilling any requirement of the program or any of
12 the terms and obligations of an agreement entered into pursuant
13 to this section may result in the reduction, termination,
14 or rescission of the tax credits under section 15.319 and may
15 subject the eligible business to the repayment or recapture of
16 tax credits claimed. The repayment or recapture of tax credits
17 pursuant to this subsection shall be accomplished in the same
18 manner as provided in section 15.330, subsection 2.

19 5. *Confidentiality.*

20 a. Except as provided in paragraph "b", any information
21 or record in the possession of the authority with respect to
22 the program shall be presumed by the authority to be a trade
23 secret protected under chapter 550 or common law and shall be
24 kept confidential by the authority unless otherwise ordered by
25 a court.

26 b. The identity of a tax credit recipient and the amount
27 of the tax credit shall be considered public information under
28 chapter 22.

29 Sec. 6. NEW SECTION. 15.319 **Renewable chemical production**
30 **tax credit.**

31 1. An eligible business that has entered into an agreement
32 pursuant to section 15.318 may claim a tax credit equal to
33 the product of five cents multiplied by the number of pounds
34 of renewable chemicals produced in this state from biomass
35 feedstock by the eligible business during the calendar year.

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1 2. The tax credit shall be allowed against taxes imposed
2 under chapter 422, division II or III.

3 3. The tax credit shall be claimed for the tax year during
4 which the eligible business was issued the tax credit.

5 4. An individual may claim a tax credit under this section
6 of a partnership, limited liability company, S corporation,
7 cooperative organized under chapter 501 and filing as a
8 partnership for federal tax purposes, estate, or trust electing
9 to have income taxed directly to the individual. The amount
10 claimed by the individual shall be based upon the pro rata
11 share of the individual's earnings from the partnership,
12 limited liability company, S corporation, cooperative, estate,
13 or trust.

14 5. Any tax credit in excess of the tax liability for the tax
15 year is refundable, or, upon the election of the taxpayer, such
16 excess tax credit may be credited to the tax liability for the
17 following five years or until depleted, whichever occurs first.
18 However, a taxpayer shall not elect to carry forward the excess
19 tax credit if the taxpayer claims a refundable tax credit on
20 the same tax return.

21 6. *a.* To claim a tax credit under this section, a taxpayer
22 shall include one or more tax credit certificates with the
23 taxpayer's tax return.

24 *b.* The tax credit certificate shall contain the taxpayer's
25 name, address, tax identification number, the amount of the
26 credit, the name of the eligible business, and any other
27 information required by the department of revenue.

28 *c.* The tax credit certificate, unless rescinded by the
29 authority, shall be accepted by the department of revenue as
30 payment for taxes imposed pursuant to chapter 422, divisions II
31 and III, subject to any conditions or restrictions placed by
32 the authority upon the face of the tax credit certificate and
33 subject to the limitations of the program.

34 *d.* Tax credit certificates issued pursuant to this section
35 shall not be transferred to any other person.

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1 Sec. 7. NEW SECTION. 15.320 Rules.

2 The authority and the department of revenue shall each adopt
3 rules as necessary for the implementation and administration
4 of this part.

5 Sec. 8. NEW SECTION. 422.10A Renewable chemical production
6 tax credit.

7 The taxes imposed under this division, less the credits
8 allowed under section 422.12, shall be reduced by a renewable
9 chemical production tax credit allowed under section 15.319.

10 Sec. 9. Section 422.33, Code 2015, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 22. The taxes imposed under this division
13 shall be reduced by a renewable chemical production tax credit
14 allowed under section 15.319.

15 Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this
16 Act, being deemed of immediate importance, takes effect upon
17 enactment.

18 Sec. 11. APPLICABILITY. This division of this Act applies
19 to renewable chemicals produced in the state from biomass
20 feedstock on or after the effective date of this division of
21 this Act.

22 Sec. 12. RETROACTIVE APPLICABILITY. This division of this
23 Act applies retroactively to January 1, 2015, for tax years
24 beginning on or after that date.

25 DIVISION II

26 ANGEL INVESTOR TAX CREDITS

27 Sec. 13. Section 2.48, subsection 3, paragraph d,
28 subparagraph (1), Code 2015, is amended to read as follows:

29 (1) Tax credits for investments in qualifying businesses
30 ~~and community-based seed capital funds~~ under chapter 15E,
31 division V.

32 Sec. 14. Section 15.119, subsection 2, paragraph d, Code
33 2015, is amended to read as follows:

34 d. The tax credits for investments in qualifying businesses
35 ~~and community-based seed capital funds~~ issued pursuant to

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1 section 15E.43. In allocating tax credits pursuant to this
2 subsection, the authority shall allocate two million dollars
3 for purposes of this paragraph, unless the authority determines
4 that the tax credits awarded will be less than that amount.

5 Sec. 15. Section 15E.41, Code 2015, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **15E.41 Purpose.**

8 The purpose of this division is to stimulate job growth,
9 create wealth, and accelerate the creation of new ventures by
10 using investment tax credits to incentivize the transfer of
11 capital from investors to entrepreneurs, particularly during
12 early-stage growth.

13 Sec. 16. Section 15E.42, Code 2015, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 2A. *"Entrepreneurial assistance*
16 *program"* includes the entrepreneur investment awards program
17 administered under section 15E.362, the receipt of services
18 from a service provider engaged pursuant to section 15.411,
19 subsection 1, or the program administered under section 15.411,
20 subsection 2.

21 Sec. 17. Section 15E.42, subsection 3, Code 2015, is amended
22 to read as follows:

23 3. *"Investor"* means a person making a cash investment in
24 a qualifying business ~~or in a community-based seed capital~~
25 ~~fund.~~ *"Investor"* does not include a person that holds at least
26 a seventy percent ownership interest as an owner, member, or
27 shareholder in a qualifying business.

28 Sec. 18. Section 15E.42, subsection 4, Code 2015, is amended
29 by striking the subsection.

30 Sec. 19. Section 15E.43, subsections 1 and 2, Code 2015, are
31 amended to read as follows:

32 1. a. For tax years beginning on or after January 1,
33 ~~2002~~ 2015, a tax credit shall be allowed against the taxes
34 imposed in chapter 422, ~~divisions~~ division II, III, and V,
35 ~~and in chapter 432, and against the moneys and credits tax~~

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1 ~~imposed in section 533.329, for a portion of a taxpayer's~~
2 ~~equity investment, as provided in subsection 2, in a qualifying~~
3 ~~business or a community-based seed capital fund.~~

4 b. An individual may claim a tax credit under this
5 ~~paragraph~~ section of a partnership, limited liability company,
6 S corporation, estate, or trust electing to have income
7 taxed directly to the individual. The amount claimed by the
8 individual shall be based upon the pro rata share of the
9 individual's earnings from the partnership, limited liability
10 company, S corporation, estate, or trust.

11 b. c. A tax credit shall be allowed only for an investment
12 made in the form of cash to purchase equity in a qualifying
13 ~~business or in a community-based seed capital fund. A~~
14 ~~taxpayer that has received a tax credit for an investment in~~
15 ~~a community-based seed capital fund shall not claim the tax~~
16 ~~credit prior to the third tax year following the tax year in~~
17 ~~which the investment is made. Any tax credit in excess of the~~
18 ~~taxpayer's liability for the tax year may be credited to the~~
19 ~~tax liability for the following five years or until depleted,~~
20 ~~whichever is earlier. A tax credit shall not be carried back~~
21 ~~to a tax year prior to the tax year in which the taxpayer~~
22 ~~redeems the tax credit.~~

23 c. ~~In the case of a tax credit allowed against the taxes~~
24 ~~imposed in chapter 422, division II, where the taxpayer died~~
25 ~~prior to redeeming the entire tax credit, the remaining credit~~
26 ~~can be redeemed on the decedent's final income tax return.~~

27 d. Any tax credit in excess of the tax liability for the
28 tax year is refundable, or, upon the election of the taxpayer,
29 such excess tax credit may be credited to the tax liability for
30 the following three years or until depleted, whichever occurs
31 first. However, a taxpayer shall not elect to carry forward
32 the excess tax credit if the taxpayer claims a refundable tax
33 credit on the same tax return. A tax credit shall not be
34 carried back to a tax year prior to the tax year in which the
35 taxpayer redeems the tax credit.

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1 2. ~~A~~ The amount of the tax credit shall equal twenty
2 twenty-five percent of the taxpayer's equity investment. The
3 maximum amount of a tax credit for an investment by an investor
4 in any one qualifying business shall be fifty thousand dollars.
5 ~~Each year, an investor and all affiliates of the investor shall~~
6 ~~not claim tax credits under this section for more than five~~
7 ~~different investments in five different qualifying businesses~~
8 that may be claimed per tax year by a natural person and the
9 person's spouse, child, or sibling shall not exceed one hundred
10 thousand dollars combined.

11 Sec. 20. Section 15E.43, subsections 5 and 7, Code 2015, are
12 amended to read as follows:

13 5. A tax credit shall not be ~~transferable~~ transferred to any
14 other ~~taxpayer~~ person.

15 7. The authority shall develop a system for registration
16 and authorization issuance of tax credits authorized pursuant
17 to this division and shall control distribution of all tax
18 ~~credits distributed~~ credit certificates to investors pursuant
19 to this division. The authority shall develop rules for the
20 qualification and administration of qualifying businesses
21 ~~and community-based seed capital funds.~~ The department of
22 revenue shall adopt ~~these criteria as administrative rules and~~
23 ~~any other~~ rules pursuant to chapter 17A as necessary for the
24 administration of this division.

25 Sec. 21. Section 15E.43, subsections 6 and 8, Code 2015, are
26 amended by striking the subsections.

27 Sec. 22. Section 15E.44, subsection 2, paragraph c, Code
28 2015, is amended by striking the paragraph and inserting in
29 lieu thereof the following:

30 c. The business is participating in an entrepreneurial
31 assistance program. The authority may waive this requirement
32 if a business establishes that its owners, directors, officers,
33 and employees have an appropriate level of experience such
34 that participation in an entrepreneurial assistance program
35 would not materially change the prospects of the business.

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1 The authority may consult with outside service providers in
2 consideration of such a waiver.

3 Sec. 23. Section 15E.44, subsection 2, paragraphs e and f,
4 Code 2015, are amended to read as follows:

5 e. The business shall not have a net worth that exceeds ~~five~~
6 ten million dollars.

7 f. The business shall have secured all of the following at
8 the time of application for tax credits:

9 (1) At least two investors.

10 (2) ~~total~~ Total equity financing, ~~near equity financing,~~
11 binding investment commitments, or some combination thereof,
12 equal to at least ~~two hundred fifty~~ five hundred thousand
13 dollars, from investors. For purposes of this subparagraph,
14 "investor" includes a person who executes a binding investment
15 commitment to a business.

16 Sec. 24. Section 15E.44, subsection 4, Code 2015, is amended
17 to read as follows:

18 4. After verifying the eligibility of a qualifying
19 business, the authority shall issue a tax credit certificate
20 to be included with the equity investor's tax return. The tax
21 credit certificate shall contain the taxpayer's name, address,
22 tax identification number, the amount of credit, the name
23 of the qualifying business, and other information required
24 by the department of revenue. The tax credit certificate,
25 unless rescinded by the authority, shall be accepted by the
26 department of revenue as payment for taxes imposed pursuant to
27 chapter 422, ~~divisions~~ division II, III, and V, ~~and in chapter~~
28 ~~432, and for the moneys and credits tax imposed in section~~
29 ~~533.329,~~ subject to any conditions or restrictions placed by
30 the authority upon the face of the tax credit certificate and
31 subject to the limitations of section 15E.43.

32 Sec. 25. Section 15E.46, Code 2015, is amended to read as
33 follows:

34 **15E.46 Reports Confidentiality — reports.**

35 1. Except as provided in subsection 2, all information or

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1 records in the possession of the authority with respect to
2 this division shall be presumed by the authority to be a trade
3 secret protected under chapter 550 or common law and shall be
4 kept confidential by the authority unless otherwise ordered by
5 a court.

6 2. All of the following shall be considered public
7 information under chapter 22:

8 a. The identity of a qualifying business.

9 b. The identity of an investor and the qualifying business
10 in which the investor made an equity investment.

11 c. The number of tax credit certificates issued by the
12 authority.

13 d. The total dollar amount of tax credits issued by the
14 authority.

15 3. The authority shall publish an annual report of the
16 activities conducted pursuant to this division and shall
17 submit the report to the governor and the general assembly.
18 The report shall include a listing of eligible qualifying
19 businesses and the number of tax credit certificates and the
20 amount of tax credits issued by the authority.

21 Sec. 26. Section 15E.52, subsection 4, Code 2015, is amended
22 to read as follows:

23 4. A taxpayer shall not claim a tax credit under this
24 section if the taxpayer is a venture capital investment fund
25 allocation manager for the Iowa fund of funds created in
26 section 15E.65 or an investor that receives a tax credit for
27 the same investment in a qualifying business as described in
28 section 15E.44 or in a community-based seed capital fund as
29 described in section 15E.45, Code 2015.

30 Sec. 27. Section 422.11F, subsection 1, Code 2015, is
31 amended to read as follows:

32 1. The taxes imposed under this division, less the credits
33 allowed under section 422.12, shall be reduced by an investment
34 tax credit authorized pursuant to section 15E.43 for an
35 investment in a qualifying business ~~or a community-based seed~~

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1 ~~capital fund.~~

2 Sec. 28. Section 422.33, subsection 12, paragraph a, Code
3 2015, is amended by striking the paragraph.

4 Sec. 29. Section 422.60, subsection 5, paragraph a, Code
5 2015, is amended by striking the paragraph.

6 Sec. 30. Section 432.12C, subsection 1, Code 2015, is
7 amended by striking the subsection.

8 Sec. 31. Section 533.329, subsection 2, paragraph f, Code
9 2015, is amended by striking the paragraph.

10 Sec. 32. REPEAL. Section 15E.45, Code 2015, is repealed.

11 Sec. 33. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 34. APPLICABILITY. Unless otherwise provided in this
15 division of this Act, this division of this Act applies to
16 equity investments in a qualifying business made on or after
17 the effective date of this division of this Act, and equity
18 investments made in a qualifying business or community-based
19 seed capital fund prior to the effective date of this division
20 of this Act shall be governed by sections 15E.41 through
21 15E.46, 422.11F, 422.33, 422.60, 432.12C, and 533.329, Code
22 2015.

23 Sec. 35. APPLICABILITY. The sections of this division
24 of this Act amending section 15E.44, subsection 2, apply
25 to businesses that submit an application to the economic
26 development authority to be registered as a qualifying business
27 on or after the effective date of this division of this Act,
28 and businesses that submit an application to the economic
29 development authority to be registered as a qualifying business
30 before the effective date of this division of this Act shall be
31 governed by section 15E.44, subsection 2, Code 2015.

32 DIVISION III

33 ENTREPRENEUR INVESTMENT AWARDS PROGRAM

34 Sec. 36. Section 15E.362, Code 2015, is amended by striking
35 the section and inserting in lieu thereof the following:

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1 **15E.362 Entrepreneur investment awards program.**

2 1. For purposes of this division, unless the context
3 otherwise requires:

4 *a. "Business development services"* includes but is not
5 limited to corporate development services, business model
6 development services, business planning services, marketing
7 services, financial strategies and management services,
8 mentoring and management coaching, and networking services.

9 *b. "Eligible entrepreneurial assistance provider"* means a
10 person meeting the requirements of subsection 3.

11 *c. "Financial assistance"* means the same as defined in
12 section 15.327.

13 *d. "Program"* means the entrepreneur investment awards
14 program administered pursuant to this division.

15 2. The authority shall establish and administer an
16 entrepreneur investment awards program for purposes of
17 providing financial assistance to eligible entrepreneurial
18 assistance providers that provide technical and financial
19 assistance to entrepreneurs and start-up companies seeking to
20 create, locate, or expand a business in the state. Financial
21 assistance under the program shall be provided from the
22 entrepreneur investment awards program fund created in section
23 15E.363.

24 3. In order to be eligible for financial assistance under
25 the program an entrepreneurial assistance provider must meet
26 all of the following requirements:

27 *a.* The provider must have its principal place of operations
28 located in this state.

29 *b.* The provider must offer a comprehensive set of business
30 development services to emerging and early-stage innovation
31 companies to assist in the creation, location, growth, and
32 long-term success of the company in this state.

33 *c.* The business development services may be performed at the
34 physical location of the provider or the company.

35 *d.* The business development services may be provided in

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1 consideration of equity participation in the company, a fee
2 for services, a membership agreement with the company, or any
3 combination thereof.

4 4. Entrepreneurial assistance providers may apply for
5 financial assistance under the program in the manner and form
6 prescribed by the authority.

7 5. The economic development authority board in its
8 discretion may approve, deny, or defer each application
9 for financial assistance under the program from persons
10 it determines to be an eligible entrepreneurial assistance
11 provider.

12 6. Subject to subsection 7, the amount of financial
13 assistance awarded to an eligible entrepreneurial assistance
14 provider shall be within the discretion of the authority.

15 7. a. The maximum amount of financial assistance awarded
16 to an eligible entrepreneurial assistance provider shall not
17 exceed two hundred thousand dollars.

18 b. The maximum amount of financial assistance provided under
19 the program shall not exceed one million dollars in a fiscal
20 year.

21 8. The authority shall award financial assistance on a
22 competitive basis. In making awards of financial assistance,
23 the authority may develop scoring criteria and establish
24 minimum requirements for the receipt of financial assistance
25 under the program. In making awards of financial assistance,
26 the authority may consider all of the following:

27 a. The business experience of the professional staff
28 employed or retained by the eligible entrepreneurial assistance
29 provider.

30 b. The business plan review capacity of the professional
31 staff of the eligible entrepreneurial assistance provider.

32 c. The expertise in all aspects of business disciplines
33 of the professional staff of the eligible entrepreneurial
34 assistance provider.

35 d. The access of the eligible entrepreneurial assistance

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1 provider to external service providers, including legal,
2 accounting, marketing, and financial services.

3 e. The service model and likelihood of success of the
4 eligible entrepreneurial assistance provider and its similarity
5 to other successful entrepreneurial assistance providers in the
6 country.

7 f. The financial need of the eligible entrepreneurial
8 assistance provider.

9 9. Financial assistance awarded to an eligible
10 entrepreneurial assistance provider shall only be used for
11 the purpose of operating costs incurred by the eligible
12 entrepreneurial assistance provider in providing business
13 development services to emerging and early-stage innovation
14 companies in this state. Such financial assistance shall not
15 be distributed to owners or investors of the company to which
16 business development services are provided and shall not be
17 distributed to other persons assisting with the provision of
18 business development services to the company.

19 10. The authority may contract with outside service
20 providers for assistance with the program or may delegate
21 the administration of the program to the Iowa innovation
22 corporation pursuant to section 15.106B.

23 11. The authority may make client referrals to eligible
24 entrepreneurial assistance providers.

25 Sec. 37. Section 15E.363, subsection 3, Code 2015, is
26 amended to read as follows:

27 3. The Moneys credited to the fund are appropriated to
28 the authority and shall be used to provide grants under the
29 entrepreneur investment awards program established in section
30 15E.362 financial assistance under the program.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the administration of programs by the
35 economic development authority (EDA) by creating a renewable

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1 chemical production tax credit, modifying the tax credit for
2 investments in qualifying businesses and community-based seed
3 capital funds, and modifying the entrepreneur investment awards
4 program.

5 DIVISION I — RENEWABLE CHEMICAL PRODUCTION TAX CREDIT.

6 Division I creates a renewable chemical production tax credit
7 program (program) that will be administered by the EDA and that
8 will provide tax credits to eligible businesses that produce
9 renewable chemicals in Iowa from biomass feedstock. "Renewable
10 chemical", "biomass feedstock", and other related terms are
11 defined in the division.

12 In order to qualify for the tax credit, a business must
13 meet several requirements. First, the business must be
14 physically located in Iowa and operated for profit under
15 single management. Second, the business must not be an
16 entity providing professional services, health care services,
17 or medical treatments, or be engaged primarily in retail
18 operations. Third, the business must have organized, expanded,
19 or located in Iowa on or after the effective date of the
20 division. Fourth, the business must not be, in the discretion
21 of the EDA, ineligible under certain provisions relating to the
22 relocation or reduction of business operations within Iowa.
23 Fifth, the business must be in compliance with all agreements
24 entered into under the program or other programs administered
25 by the EDA.

26 An eligible business seeking a tax credit is required
27 to apply to the EDA during the calendar year following the
28 calendar year in which the renewable chemicals are produced.
29 The application must include the amount of renewable chemicals
30 produced in Iowa from biomass feedstock by the eligible
31 business during the calendar year, measured in pounds, and any
32 other information reasonably required by the EDA in order to
33 establish and verify eligibility under the program. The EDA
34 may accept applications on a continuous basis or may establish
35 an annual application deadline.

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1 Before being issued a tax credit, an eligible business
2 is required to enter into an agreement with the EDA for the
3 successful completion of all requirements of the program. The
4 EDA is authorized to impose two compliance cost fees under the
5 program. The first fee equals \$500 per agreement. The second
6 fee equals 0.5 percent of the value of the tax credit claimed
7 pursuant to the agreement if the agreement has an aggregate tax
8 credit value of \$100,000 or greater.

9 An eligible business that fails to comply with the
10 requirements of the program or the terms of an agreement with
11 the EDA may have its tax credits reduced, terminated, or
12 rescinded, and may be subject to the repayment or recapture of
13 claimed tax credits.

14 Upon determining that all requirements of an agreement and
15 the program have been fulfilled, the EDA shall issue a tax
16 credit and related tax credit certificate to the eligible
17 business in an amount equal to the product of \$.05 multiplied
18 by the number of pounds of renewable chemicals produced in Iowa
19 from biomass feedstock by the eligible business during the
20 calendar year. Renewable chemicals produced by an eligible
21 business prior to the effective date of the division, or
22 prior to the date the business first qualifies as an eligible
23 business, shall not qualify for the tax credit.

24 The tax credit shall be claimed for the tax year during
25 which the eligible business was issued the tax credit. The
26 tax credit may be claimed against the individual income tax
27 and the corporate income tax. The credit is refundable or
28 may, at the election of the taxpayer, be carried forward for
29 up to five tax years. However, a taxpayer shall not elect to
30 carry forward the excess tax credit if the taxpayer claims a
31 refundable tax credit on the same tax return. The tax credit
32 shall not be transferred to any person. A tax credit issued
33 to a partnership, limited liability company, S corporation,
34 cooperative organized under Code chapter 501 and filing as a
35 partnership for federal tax purposes, estate, or trust electing

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1 to have the income taxed directly to the individual may be
2 claimed by the individual based upon the pro rata share of the
3 individual's earnings from that entity.

4 The division provides that the program is subject to the
5 EDA's maximum aggregate tax credit cap of \$170 million per
6 fiscal year in Code section 15.119, and not more than \$15
7 million per fiscal year may be issued by the EDA under the
8 program. In addition, the maximum amount of tax credit that
9 may be issued to an eligible business in any one calendar year
10 shall not exceed \$1 million or \$500,000, depending on whether
11 the eligible business has been operating in Iowa at the time of
12 application for five or fewer years, or more than five years,
13 respectively. An eligible business shall not receive more than
14 five tax credits under the program. The EDA is required to
15 issue tax credits on a first-come, first-served basis until the
16 maximum amount of \$15 million per fiscal year is reached. If
17 the amount of tax credits exceeds this amount in a fiscal year,
18 the EDA is required to establish a wait list and give priority
19 in subsequent years to the eligible businesses on the wait
20 list.

21 The division provides for the confidentiality of certain
22 information under the program. The identity of a tax credit
23 recipient and the amount of the tax credit shall be considered
24 public information under Code chapter 22 (examination of public
25 records), but any other information or record in the possession
26 of the EDA with respect to the program shall be presumed by
27 the EDA to be a trade secret protected under Code chapter 550
28 or common law and shall be kept confidential by the EDA unless
29 otherwise ordered by a court.

30 The division takes effect upon enactment and applies to
31 renewable chemicals produced in Iowa from biomass feedstock on
32 or after that date. The division applies retroactively to tax
33 years beginning on or after January 1, 2015.

34 DIVISION II — ANGEL INVESTOR TAX CREDITS. Division II
35 makes several changes to the tax credit for investments in

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1 qualifying businesses and community-based seed capital funds,
2 often referred to as the angel investor tax credits. The
3 division amends the purpose of the tax credit in Code section
4 15E.41. The division excludes investments in community-based
5 seed capital funds from qualifying for the tax credit and
6 makes several conforming amendments to remove references to
7 community-based seed capital funds from the Code.

8 The division modifies the amount and dollar limitation of
9 the tax credit for a taxpayer. The tax credit is increased
10 from 20 percent to 25 percent of a taxpayer's equity investment
11 in a qualifying business. Under current law, a taxpayer cannot
12 claim more than \$50,000 of tax credit per investment in a
13 qualifying business, and for each tax year a taxpayer and the
14 taxpayer's affiliates cannot claim tax credits for more than
15 five investments in five different qualifying businesses. The
16 division amends this dollar limitation to prohibit a natural
17 person and the person's spouse, child, or sibling from claiming
18 a combined amount of more than \$100,000 in tax credits per tax
19 year.

20 The division modifies the availability of the tax credit
21 and procedures for claiming the tax credit. Under current
22 law, the tax credit is available against the individual income
23 tax, the corporate income tax, the franchise tax on financial
24 institutions, the insurance companies tax, and the moneys and
25 credits tax on state credit unions. The division provides that
26 the tax credit is available only against the individual income
27 tax. As a result, an investment in a qualifying business
28 will only be eligible for the tax credit if the investor is
29 an individual or a partnership, limited liability company, S
30 corporation, estate, or trust electing to have income taxed
31 directly to the individual. Under current law, the tax credit
32 is not refundable but available for carryforward for up to five
33 tax years. The division makes the tax credit refundable or, at
34 the election of the taxpayer, available for carryforward for
35 up to three tax years. However, a taxpayer shall not elect to

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1 carry forward the excess tax credit if the taxpayer claims a
2 refundable tax credit on the same tax return.

3 The division strikes a provision permitting the EDA
4 to cooperate with small business development centers to
5 disseminate information regarding the credits and to develop
6 standard application forms, and requiring the EDA to distribute
7 copies of the application forms to all community-based seed
8 capital funds and potential individual investors.

9 The division modifies the eligibility requirements for
10 qualifying businesses. The division strikes the requirement
11 that a business have an owner that meets at least one of
12 four qualifications relating to business education or
13 business experience. The division requires that a business
14 be participating in an entrepreneurial assistance program,
15 as defined in the division, but allows the EDA to waive this
16 requirement if the business establishes that its owners,
17 directors, officers, and employees have an appropriate level
18 of experience such that an entrepreneurial assistance program
19 would not materially change the prospects of the business.
20 The EDA is allowed to consult with outside service providers
21 in considering such a waiver. The division increases from \$5
22 million to \$10 million the maximum amount of net worth that
23 a business may have to be considered a qualifying business.
24 The division increases from \$250,000 to \$500,000 the amount of
25 financing that a business must have in order to be considered a
26 qualifying business, removes "near equity" from the types of
27 financing that will be considered in that calculation, requires
28 that the financing be secured at the time of application for
29 the tax credits, and requires that the business have at least
30 two investors at the time of application for the tax credits.
31 These modified eligibility requirements apply to businesses
32 that submit an application to the EDA to be registered as a
33 qualifying business on or after the effective date of this
34 division of the bill, and businesses that submitted such an
35 application to the EDA before the effective date of this

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1 division of the bill shall be governed by current law.

2 The division provides for the confidentiality of certain
3 information with regard to the tax credit. The identity of
4 a qualifying business, the identity of an investor and the
5 qualifying business in which the investor made an equity
6 investment, and the total number and amount of tax credits
7 issued shall be considered public information under Code
8 chapter 22 (examination of public records), but any other
9 information or record in the possession of the EDA with respect
10 to the program shall be presumed by the EDA to be a trade secret
11 protected under Code chapter 550 or common law and shall be
12 kept confidential by the EDA unless otherwise ordered by a
13 court.

14 The division takes effect upon enactment and applies to
15 equity investments in a qualifying business made on or after
16 that date. Equity investments in a qualifying business or
17 community-based seed capital fund made prior to the effective
18 date of the division shall be governed by current law.

19 DIVISION III — ENTREPRENEUR INVESTMENT AWARDS PROGRAM.
20 Division III amends the entrepreneur investment awards program
21 administered by the EDA. The division strikes provisions that
22 prohibited the EDA from making awards under the program since
23 July 1, 2014, and that required the EDA by December 31, 2014,
24 to conduct a comprehensive review of the program and submit
25 a report with specified information to the governor and the
26 general assembly.

27 The division modifies the purpose of the program to be
28 to provide financial assistance to eligible entrepreneurial
29 assistance providers (provider) that provide technical and
30 financial assistance to entrepreneurs and start-up companies
31 seeking to create, locate, or expand a business in Iowa.
32 "Financial assistance" is defined in the division.

33 The division changes the requirements for receiving an
34 award. To be eligible to receive an award under current
35 law, an entrepreneurial assistance program must have been

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1 an Iowa-based business, expended at least \$500,000 during
2 the previous fiscal year to provide technical and financial
3 assistance services that meet the broad-based needs of
4 entrepreneurs seeking to create, locate, or expand a business
5 in Iowa that intends to derive more than 10 percent of its
6 gross sales from markets outside Iowa; and must have engaged
7 and communicated with certain other programs, funding sources,
8 and entities for its entrepreneur clients. The division
9 amends the eligibility for receiving financial assistance to
10 require that a provider have its principal place of operations
11 in Iowa and that the provider offer a comprehensive set of
12 business development services to emerging and early-stage
13 innovation companies to assist in the creation, location,
14 growth, and long-term success of the company in Iowa.
15 "Business development services" is defined in the division.
16 Business development services may be performed at the physical
17 location of the provider or the company and may be provided in
18 consideration of equity participation in the company, a fee for
19 services, or a membership agreement with the company.

20 Under current law, the EDA board could approve, deny, or
21 defer each application for a grant, and was required to award
22 grants on a first-come, first-served basis. The division
23 specifies that the EDA board has the discretion to approve,
24 deny, or defer each application for financial assistance and
25 that the amount of financial assistance awarded to a provider
26 is within the discretion of the EDA. The division requires
27 the EDA to award financial assistance on a competitive basis
28 and allows the EDA to develop scoring criteria and establish
29 minimum requirements for the receipt of a financial assistance
30 award.

31 In addition to the four factors relating to the provider's
32 professional staff that the EDA may consider under current
33 law in deciding whether to award financial assistance, the
34 division provides that the EDA may also consider the service
35 model and likelihood of success of the provider, the provider's

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1 similarity to other successful providers in the country, and
2 the provider's financial need.

3 The division modifies the maximum award amount for a
4 recipient. Under current law, a grant to an entrepreneur
5 assistance program cannot exceed the lesser of 25 percent of
6 the funds expended by the program during the previous fiscal
7 year, 100 percent of the funds raised from certain persons
8 by the program during the previous fiscal year, or \$200,000.
9 The division provides that the amount of financial assistance
10 awarded to any one provider shall not exceed \$200,000.

11 The division modifies the permitted use of funds received
12 under the program. Under current law, grants are only
13 permitted to be used for the purpose of operating costs
14 incurred by the program. The division specifies that financial
15 assistance awarded to a provider shall only be used for
16 the purpose of operating costs incurred by the provider in
17 the provision of business development services to emerging
18 and early-stage innovation companies in Iowa. The division
19 further requires that such financial assistance shall not be
20 distributed to owners or investors of the company to which the
21 business development services are being provided and shall not
22 be provided to other persons assisting with the provision of
23 the services.

24 Under current law, an entrepreneurial assistance provider is
25 required to accept client referrals from the EDA as a condition
26 of receiving a grant. The division provides that the EDA may
27 make client referrals to eligible providers.



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House Study Bill 99 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the programs and duties of the economic
2 development authority and including effective date and
3 retroactive and other applicability provisions and other
4 properly related matters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 LIFE CYCLE COST ANALYSES
3 Section 1. Section 470.1, Code 2015, is amended by adding
4 the following new subsection:
5 NEW SUBSECTION. 01. "*Addition*" means new construction equal
6 to or greater than twenty thousand square feet of usable floor
7 space that is heated or cooled by a mechanical or electrical
8 system and is joined to a previously existing facility.
9 Sec. 2. Section 470.1, subsections 6, 7, and 10, Code 2015,
10 are amended to read as follows:
11 6. "*Facility*" means a building having twenty thousand square
12 feet or more of usable floor space that is heated or cooled
13 by a mechanical or electrical system ~~or any building, system,~~
14 ~~or physical operation which consumes more than forty thousand~~
15 ~~British thermal units (BTUs) per square foot per year.~~
16 7. "*Initial cost*" means the moneys required for the capital
17 construction or renovation of a facility or the construction
18 of an addition.
19 10. "*Renovation*" means a project where ~~additions or~~
20 alterations, that are not additions, to an existing facility
21 exceed fifty percent of the value of a facility and will affect
22 an energy system.
23 Sec. 3. Section 470.2, Code 2015, is amended to read as
24 follows:
25 **470.2 Policy — analysis required.**
26 The general assembly declares that energy management is of
27 primary importance in the design of publicly owned facilities.
28 ~~Commencing January 1, 1980~~ On or after the effective date of
29 this division of this Act, a public agency responsible for the
30 construction or renovation of a facility or the construction of
31 an addition shall, in a design begun after that date, include
32 as a design criterion the requirement that a life cycle cost
33 analysis be conducted for the facility. The objectives of the
34 life cycle cost analysis are to optimize energy efficiency at
35 an acceptable life cycle cost. The life cycle cost analysis

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1 shall meet the requirements of section 470.3.

2 Sec. 4. Section 470.3, subsection 2, Code 2015, is amended
3 to read as follows:

4 2. A public agency or a person preparing a life cycle cost
5 analysis for a public agency shall ~~consider the methods and~~
6 ~~analytical models provided by the authority and available~~
7 ~~through the commissioner, which are suited to the purpose~~
8 ~~for which the project is intended. Within sixty days of~~
9 ~~final selection of a design architect or engineer, a public~~
10 ~~agency, which is also a state agency under section 7D.34, shall~~
11 ~~notify the commissioner and the authority of the methodology~~
12 ~~to be used to perform the life cycle cost analysis, on forms~~
13 ~~provided by the authority~~ use the methodology set forth in the
14 guidelines established, by rule, by the commissioner.

15 Sec. 5. Section 470.4, Code 2015, is amended to read as
16 follows:

17 **470.4 Analysis approved.**

18 The life cycle cost analysis shall be approved by the public
19 agency before contracts for the construction or renovation
20 of a facility or the construction of an addition are let. A
21 public agency may accept a facility design and shall meet
22 the requirements of this chapter if the design meets the
23 operational requirements of the agency and provides the optimum
24 life cycle cost. The public agency shall retain a copy of the
25 life cycle cost analysis and a statement justifying a design
26 decision both of which shall be available for public inspection
27 at reasonable hours.

28 Sec. 6. Section 470.6, Code 2015, is amended to read as
29 follows:

30 **470.6 Restriction on use of public funds.**

31 Public funds shall not be used for the construction or
32 renovation of a facility or the construction of an addition
33 unless the design for the work is prepared in accordance with
34 this chapter and the actual construction or renovation of
35 the facility or the construction of the addition meets the

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1 requirements of the design.

2 Sec. 7. Section 470.7, Code 2015, is amended to read as
3 follows:

4 **470.7 Life cycle cost analysis — approval.**

5 1. The public agency responsible for the new construction
6 or renovation of a public facility or the construction of an
7 addition to a public facility shall submit a copy of the life
8 cycle cost analysis for review by the commissioner who shall
9 consult with the authority. If the public agency is also a
10 state agency under section 7D.34, comments by the authority
11 or the commissioner, including any recommendation for changes
12 in the analysis, shall, within thirty days of receipt of the
13 analysis, be forwarded in writing to the public agency. If
14 either the authority or the commissioner disagrees with any
15 aspects of the life cycle cost analysis, the public agency
16 affected shall timely respond in writing to the commissioner
17 and the authority. The response shall indicate whether the
18 agency intends to implement the recommendations and, if the
19 agency does not intend to implement them, the public agency
20 shall present its reasons. The reasons may include but are
21 not limited to a description of the purpose of the facility or
22 renovation, preservation of historical architectural features,
23 architectural and site considerations, and health and safety
24 concerns.

25 2. Within thirty days of receipt of the response of the
26 public agency affected, the authority, the commissioner, or
27 both, shall notify in writing the public agency affected of
28 the authority's, the commissioner's, or both's agreement
29 or disagreement with the response. In the event of a
30 disagreement, the authority, the commissioner, or both, shall
31 at the same time transmit the notification of disagreement
32 with response and related papers to the executive council
33 for resolution pursuant to section 7D.34. The life cycle
34 cost analysis process, including submittal and approval, and
35 implementation exemption requests pursuant to section 470.8,

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1 shall be completed prior to the letting of contracts for the
2 construction or renovation of a facility or the construction
3 of an addition.

4 Sec. 8. Section 470.8, Code 2015, is amended to read as
5 follows:

6 **470.8 Life cycle cost analysis — implementation and**
7 **exemptions.**

8 1. The public agency responsible for the new construction
9 or renovation of a public facility or the construction of an
10 addition shall implement the recommendations of the life cycle
11 cost analysis.

12 2. The commissioner shall adopt rules for the
13 implementation and administration of the life cycle cost
14 analysis. The commissioner, in consultation with the director,
15 shall, by rule, develop criteria to exempt facilities from
16 the implementation requirements of this section. Using the
17 criteria, the commissioner, in cooperation with the director,
18 shall exempt facilities on a case by case basis. Factors to
19 be considered when developing the exemption criteria shall
20 include, but not be limited to, a description of the purpose
21 of the facility or renovation, the preservation of historical
22 architectural features, site considerations, and health and
23 safety concerns. The commissioner and the director shall grant
24 or deny a request for exemption from the requirements of this
25 section within thirty days of receipt of the request.

26 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
27 Act, being deemed of immediate importance, takes effect upon
28 enactment.

29 DIVISION II

30 VOLUNTEER COMMISSION

31 Sec. 10. Section 15H.5, subsection 5, paragraph a, Code
32 2015, is amended to read as follows:

33 a. Funding for the Iowa summer youth corps program, and the
34 Iowa green corps program established pursuant to section 15H.6,
35 the Iowa reading corps program established pursuant to section

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1 15H.7, and the Iowa national service corps program established
2 pursuant to section 15H.8 shall be obtained from private
3 sector, and local, state, and federal government sources, or
4 from other available funds credited to the community programs
5 account, which shall be created within the economic development
6 authority under the authority of the commission. Moneys
7 available in the account for a fiscal year are appropriated to
8 the commission to be used for the programs. The commission
9 may establish an escrow account within the authority and
10 obligate moneys within that escrow account for tuition or
11 program payments to be made beyond the term of any fiscal year.
12 Notwithstanding section 12C.7, subsection 2, interest earned
13 on moneys in the community programs account shall be credited
14 to the account. Notwithstanding section 8.33, moneys in the
15 community programs account or escrow account shall not revert
16 to the general fund but shall remain available for expenditure
17 in future fiscal years.

18 Sec. 11. **NEW SECTION. 15H.7 Iowa reading corps.**

19 1. *a.* The Iowa commission on volunteer service, in
20 collaboration with the department of education, may establish
21 an Iowa reading corps program to provide Iowa reading corps
22 Americorps members with a data-based, problem-solving model
23 of literacy instruction to use in tutoring students from
24 prekindergarten to third grade who are not proficient in
25 reading or who are at risk of becoming not proficient in
26 reading.

27 *b.* The program shall incorporate models of the evaluation
28 and teaching of early literacy skills, including comprehensive,
29 research-based reading instruction which has been reviewed and
30 approved by the department of education in collaboration with
31 the Iowa reading research center established by section 256.9,
32 subsection 53, paragraph "c".

33 2. *a.* The models of literacy instruction utilized by Iowa
34 reading corps Americorps members shall align with literacy
35 program goals and strategies developed by the state department

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1 of education and the Iowa reading research center.

2 *b.* The commission, in collaboration with the department of
3 education, may adopt rules to implement and administer this
4 section.

5 3. The commission may use moneys in and lawfully available
6 to the community programs account created in section 15H.5 to
7 fund the program.

8 4. The commission shall submit an annual report to the
9 general assembly and the state department of education that
10 records and evaluates program data to determine the efficacy
11 of the program.

12 Sec. 12. NEW SECTION. 15H.8 Iowa national service corps.

13 1. The Iowa commission on volunteer service may establish an
14 Iowa national service corps program to provide opportunities
15 for state agencies, political subdivisions of the state, and
16 private nonprofit organizations to create national service
17 programs outside of existing state and federal programs to meet
18 state and local needs and to provide more opportunities for
19 Iowans to serve their state and country and foster a cultural
20 expectation of service in Iowa through a unified service corps.

21 2. The commission may establish rules for approving Iowa
22 national service corps programs and national service positions.
23 Existing programs and service positions, including those
24 established through the Americorps programs in Iowa created
25 pursuant to 42 U.S.C. §12501, Senior Corps and Americorps vista
26 in Iowa created pursuant to 42 U.S.C. §4950, the Iowa summer
27 youth corps program created pursuant to section 15H.5, the Iowa
28 green corps program created pursuant to section 15H.6, the
29 Iowa reading corps program created pursuant to section 15H.7,
30 and the Iowa conservation corps created pursuant to section
31 84A.7, are part of the Iowa national service corps programs and
32 national service positions.

33 3. State agencies or political subdivisions of the state
34 may enter into an agreement with any approved Iowa national
35 service corps program directly or through an agreement with

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1 the commission. State agencies or political subdivisions of
2 the state may establish Iowa national service corps programs
3 or contract with a third-party vendor to assist the agency or
4 political subdivision in establishing such programs.

5 4. State agencies or political subdivisions of the state may
6 give priority to grants or projects funded that utilize Iowa
7 national service corps programs.

8 5. State agencies or political subdivisions of the state
9 may establish hiring preferences for any Iowa national service
10 corps or Americorps participant who has successfully completed
11 a year of full-time service or one thousand seven hundred hours
12 over a period extending beyond a year.

13 6. A person participating in the Iowa national service corps
14 program is not an employee of the organization in which the
15 person is enrolled regardless of whether a stipend is provided,
16 shall be exempt from the merit system requirements, and is not
17 eligible to receive unemployment compensation benefits upon
18 completion of service.

19 DIVISION III

20 SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIP

21 Sec. 13. Section 15.411, subsection 3, Code 2015, is amended
22 to read as follows:

23 3. a. The authority shall establish and administer an
24 internship program with two components for Iowa students.
25 To the extent permitted by this subsection, the authority
26 shall administer the two components in as similar a manner as
27 possible. For purposes of this subsection, "Iowa student" means
28 a student of an Iowa community college, private college, or
29 institution of higher learning under the control of the state
30 board of regents, or a student who graduated from high school
31 in Iowa but now attends an institution of higher learning
32 outside the state of Iowa.

33 b. The purpose of the first component of the program is
34 to link Iowa students to small and medium sized Iowa firms
35 through internship opportunities. An Iowa employer may receive

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1 ~~financial assistance in an amount of one dollar for every~~
2 ~~two dollars paid by the employer to an intern on a matching~~
3 ~~basis for a portion of the wages paid to an intern. If~~
4 ~~providing financial assistance, the authority shall provide the~~
5 ~~assistance on a reimbursement basis such that for every three~~
6 ~~dollars of wages earned by the student, two dollars paid by~~
7 ~~the employer is matched by one dollar from the authority. The~~
8 amount of financial assistance shall not exceed three thousand
9 one hundred dollars for any single internship, or nine thousand
10 three hundred dollars for any single employer. In order to be
11 eligible to receive financial assistance under this paragraph,
12 the employer must have five hundred or fewer employees and must
13 be an innovative business. The authority shall encourage youth
14 who reside in economically distressed areas, youth adjudicated
15 to have committed a delinquent act, and youth transitioning out
16 of foster care to participate in the first component of the
17 internship program.

18 c. (1) The purpose of the second component of the program
19 is to assist in placing Iowa students studying in the fields
20 of science, technology, engineering, and mathematics into
21 internships that lead to permanent positions with Iowa
22 employers. The authority shall collaborate with eligible
23 employers, including but not limited to innovative businesses,
24 to ensure that the interns hired are studying in such fields.
25 An Iowa employer may receive financial assistance ~~in an amount~~
26 ~~of one dollar for every dollar paid by the employer to an~~
27 ~~intern on a matching basis for a portion of the wages paid to~~
28 ~~an intern. If providing financial assistance, the authority~~
29 ~~shall provide the assistance on a reimbursement basis such~~
30 ~~that for every two dollars of wages earned by the student,~~
31 ~~one dollar paid by the employer is matched by one dollar from~~
32 ~~the authority. The amount of financial assistance shall not~~
33 exceed five thousand dollars per internship. The authority may
34 adopt rules to administer this component. In adopting rules to
35 administer this component, the authority shall adopt rules as

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1 similar as possible to those adopted pursuant to paragraph "b".

2 (2) The requirement to administer this component of the
3 internship program is contingent upon the provision of funding
4 for such purposes by the general assembly.

5 Sec. 14. EMERGENCY RULES. The economic development
6 authority may adopt emergency rules under section 17A.4,
7 subsection 3, and section 17A.5, subsection 2, paragraph "b",
8 to implement the provisions of this division of this Act and
9 the rules shall be effective immediately upon filing unless
10 a later date is specified in the rules. Any rules adopted
11 in accordance with this section shall also be published as a
12 notice of intended action as provided in section 17A.4.

13 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
14 Act, being deemed of immediate importance, takes effect upon
15 enactment.

16 Sec. 16. RETROACTIVE APPLICABILITY. This division of this
17 Act applies retroactively to July 1, 2014.

18 DIVISION IV

19 REINVESTMENT DISTRICTS AND FLOOD MITIGATION

20 Sec. 17. Section 15J.4, subsection 3, paragraph a, Code
21 2015, is amended to read as follows:

22 a. The municipality shall submit a copy of the resolution,
23 the proposed district plan, and all accompanying materials
24 adopted pursuant to this section to the board for evaluation.
25 The board shall not approve a proposed district plan ~~or an~~
26 ~~amendment to an existing district's plan~~ on or after July 1,
27 2018.

28 Sec. 18. Section 28F.12, Code 2015, is amended to read as
29 follows:

30 **28F.12 Additional powers of the entity.**

31 a. If the entity is comprised solely of cities, counties,
32 and sanitary districts established under chapter 358, or any
33 combination thereof, the entity shall have in addition to all
34 the powers enumerated in this chapter, the powers ~~which~~ that a
35 county has with respect to solid waste disposal projects.

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1 b. If the entity is comprised solely of cities, counties,
2 and sanitary districts established under chapter 358, or any
3 combination thereof, it is a governmental entity with respect
4 to projects undertaken pursuant to chapter 418. Unless
5 otherwise provided in chapter 418, if undertaking a flood
6 mitigation project as a governmental entity under chapter
7 418, the provisions of chapter 418 shall prevail over any
8 conflicting provision in this chapter.

9 Sec. 19. Section 418.1, subsection 4, paragraph c,
10 unnumbered paragraph 1, Code 2015, is amended to read as
11 follows:

12 A joint board or other legal or administrative entity
13 established or designated in an agreement pursuant to chapter
14 28E or 28F between any of the following:

15 Sec. 20. Section 418.1, subsection 4, paragraph c, Code
16 2015, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (4) One or more counties, one or more
18 cities that are located in whole or in part within those
19 counties, and one or more sanitary districts established under
20 chapter 358 or a combined water and sanitary district as
21 provided for in sections 357.1B and 358.1B, located in whole or
22 in part within those counties.

23 Sec. 21. Section 418.4, subsection 1, paragraph b, Code
24 2015, is amended to read as follows:

25 b. A governmental entity as defined in section 418.1,
26 subsection 4, paragraph `c`, shall have the power to construct,
27 acquire, own, repair, improve, operate, and maintain a project,
28 may sue and be sued, contract, and acquire and hold real and
29 personal property, subject to the limitation in paragraph
30 `c`, and shall have such other powers as may be included in
31 the chapter 28E or 28F agreement. Such a governmental entity
32 may contract with a city or the county participating in the
33 ~~chapter 28E~~ agreement to perform any governmental service,
34 activity, or undertaking that the city or county is authorized
35 by law to perform, including but not limited to contracts for

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1 administrative services.

2 Sec. 22. Section 418.11, subsection 3, paragraph c, Code
3 2015, is amended to read as follows:

4 c. For projects approved for a governmental entity as
5 defined in section 418.1, subsection 4, paragraph "c", the
6 area used to determine the sales tax increment shall include
7 the incorporated areas of each participating city ~~that is~~
8 ~~participating in the chapter 28E agreement~~, the unincorporated
9 areas of the each participating county, ~~and~~ the area of any
10 participating drainage district not otherwise included in
11 the areas of the participating cities or county, and the
12 area served by any sanitary district or combined water and
13 sanitary district and not otherwise included in the areas of
14 the participating cities or counties, as applicable.

15 Sec. 23. Section 418.11, subsection 3, Code 2015, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. d. For all projects, the area used to
18 determine the sales tax increment shall not include any parcels
19 of real property that are included in a reinvestment district
20 designated pursuant to chapter 15J.

21 Sec. 24. Section 418.12, subsection 5, Code 2015, is amended
22 to read as follows:

23 5. If the department of revenue determines that the revenue
24 accruing to the fund or accounts within the fund ~~exceeds~~
25 ~~thirty million dollars or~~ exceeds the amount necessary for the
26 purposes of this chapter ~~if the amount necessary is less than~~
27 ~~thirty million dollars, then those~~ as limited by subsection
28 4, paragraph "a", the excess moneys shall be credited by the
29 department of revenue for deposit in the general fund of the
30 state.

31 Sec. 25. Section 418.14, subsection 3, paragraph a, Code
32 2015, is amended to read as follows:

33 a. Except as otherwise provided in this section, bonds
34 issued pursuant to this section shall not be subject to
35 the provisions of any other law or charter relating to the

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1 authorization, issuance, or sale of bonds. Bonds issued under
2 this section shall not limit or restrict the authority of a
3 governmental entity as defined in section 418.1, subsection 4,
4 paragraphs "a" and "b", or a city, county, ~~or~~ drainage district,
5 sanitary district, or combined water and sanitary district
6 participating in a governmental entity as defined in section
7 418.1, subsection 4, paragraph "c", to issue bonds for the
8 project under other provisions of the Code.

9 Sec. 26. Section 418.14, subsection 4, paragraph b, Code
10 2015, is amended to read as follows:

11 b. If the moneys in the governmental entity's flood project
12 fund are insufficient to pay the governmental entity's costs
13 related to bonds, notes, or other obligations issued under
14 this chapter, the amounts necessary to pay such costs may
15 be levied and transferred for deposit in the governmental
16 entity's flood project fund from the debt service fund of the
17 governmental entity or, if applicable, the debt service fund
18 of a participating city or county for a governmental entity as
19 defined in section 418.1, subsection 4, paragraph "c", but only
20 if and to the extent provided in the resolution authorizing the
21 issuance of bonds and, if applicable, the chapter 28E or 28F
22 agreement.

23 Sec. 27. Section 418.15, subsection 4, Code 2015, is amended
24 to read as follows:

25 4. All property and improvements acquired by a governmental
26 entity as defined in section 418.1, subsection 4, paragraph
27 "c", relating to a project shall be transferred to the county,
28 city, ~~or~~ drainage district, sanitary district, or combined
29 water and sanitary district designated in the chapter 28E or
30 28F agreement to receive such property and improvements. The
31 county, city, ~~or~~ drainage district, sanitary district, or
32 combined water and sanitary district to which such property or
33 improvements are transferred shall, unless otherwise provided
34 in the chapter 28E or 28F agreement, be solely responsible
35 for the ongoing maintenance and support of such property and

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1 improvements.

2 Sec. 28. Section 423.2, subsection 11, paragraph b, Code
3 2015, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (05) Beginning the first day of the
5 calendar quarter beginning on the reinvestment district's
6 commencement date, subject to remittance limitations
7 established by the economic development authority board
8 pursuant to section 15J.4, subsection 3, transfer to a district
9 account created in the state reinvestment district fund for
10 each reinvestment district established under chapter 15J, the
11 amount of new state sales tax revenue, determined in section
12 15J.5, subsection 1, paragraph "b", in the district, that
13 remains after the prior transfers required under this paragraph
14 "b". Such transfers shall cease pursuant to section 15J.8.

15 Sec. 29. Section 423.2, subsection 11, paragraph b,
16 subparagraph (6), Code 2015, is amended by striking the
17 subparagraph.

18 Sec. 30. Section 423.2, Code 2015, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 11A. Of the amount of sales tax revenue
21 actually transferred per quarter pursuant to subsection 11,
22 paragraph "b", subparagraphs (05) and (5), the department shall
23 retain an amount equal to the actual cost of administering the
24 transfers under subsection 11, paragraph "b", subparagraphs
25 (05) and (5), or twenty-five thousand dollars, whichever is
26 less. The amount retained by the department pursuant to this
27 subsection shall be divided pro rata each quarter between the
28 amounts that would have been transferred pursuant to subsection
29 11, paragraph "b", subparagraphs (05) and (5), without the
30 deduction made by operation of this subsection. Revenues
31 retained by the department pursuant to this subsection shall be
32 considered repayment receipts as defined in section 8.2.

33 Sec. 31. EFFECTIVE UPON ENACTMENT. This division of this
34 Act, being deemed of immediate importance, takes effect upon
35 enactment.

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1 Sec. 32. RETROACTIVE AND OTHER APPLICABILITY.

2 1. Except as provided in subsection 3, this division of this
3 Act applies retroactively to reinvestment districts designated
4 under chapter 15J in existence on or after July 1, 2014.

5 2. Except as provided in subsection 3, this division of
6 this Act applies to flood mitigation project plan applications
7 received under chapter 418 before, on, or after the effective
8 date of this division of this Act.

9 3. The sections of this division of this Act amending
10 section 423.2, subsection 11, and enacting section 423.2,
11 subsection 11A, apply to transfers of sales tax revenues made
12 on or after July 1, 2015.

13 DIVISION V

14 ENTERPRISE ZONES

15 Sec. 33. 2014 Iowa Acts, chapter 1130, section 43,
16 subsection 1, is amended to read as follows:

17 1. On or after the effective date of this division of this
18 Act, a city or county shall not create an enterprise zone under
19 chapter 15E, division XVIII, or enter into a new agreement ~~or~~
20 ~~amend an existing agreement~~ under chapter 15E, division XVIII.
21 A city or county and the economic development authority, with
22 the approval of the economic development authority board, may
23 amend an agreement for compliance reasons if the amendment
24 does not increase the amount of incentives awarded under the
25 agreement.

26 DIVISION VI

27 NUISANCE PROPERTIES AND ABANDONED BUILDINGS

28 Sec. 34. Section 15.335B, subsection 2, paragraph a, Code
29 2015, is amended by adding the following new subparagraph:

30 NEW SUBPARAGRAPH. (8) For deposit in the nuisance property
31 remediation fund created pursuant to section 15.338.

32 Sec. 35. NEW SECTION. 15.338 Nuisance property remediation
33 assistance — fund.

34 1. *a.* The economic development authority shall establish
35 a nuisance property remediation fund pursuant to section

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1 15.106A, subsection 1, paragraph "o", for purposes of providing
2 financial assistance to cities for the remediation of nuisance
3 properties and abandoned buildings and other structures. The
4 authority shall administer the fund in a manner designed to
5 make funds annually available to cities for purposes of this
6 section.

7 *b.* The authority may administer a fund established for
8 purposes of this section as a revolving fund. The fund may
9 consist of any moneys appropriated by the general assembly for
10 purposes of this section and any other moneys that are lawfully
11 available to the authority, including moneys transferred or
12 deposited from other funds created pursuant to section 15.106A,
13 subsection 1, paragraph "o".

14 *c.* The authority shall use any moneys specifically
15 appropriated for purposes of this section only for the purposes
16 of this section. The authority may use all other moneys in the
17 fund, including interest, earnings, recaptures, and repayments
18 for purposes of this section or the authority may transfer
19 the other moneys to other funds created pursuant to section
20 15.106A, subsection 1, paragraph "o".

21 *d.* Notwithstanding section 8.33, moneys in the nuisance
22 property remediation fund at the end of each fiscal year shall
23 not revert to any other fund but shall remain in the fund for
24 expenditure for subsequent fiscal years.

25 *e.* The authority may use not more than five percent of
26 the moneys in the fund at the beginning of the fiscal year
27 for purposes of administrative costs, finance, compliance,
28 marketing, and program support.

29 2. The authority shall use moneys in the fund to provide
30 financial assistance to cities for the remediation of nuisance
31 properties and abandoned buildings and other structures. Such
32 financial assistance may include grants, loans, forgivable
33 loans, or other forms of financial assistance as necessary
34 to effectuate the purposes of this section. The authority
35 may provide financial assistance under this section using a

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1 competitive scoring process.

2 3. In providing financial assistance under this section,
3 the authority may give priority to cities with severe blighted
4 areas, widespread dilapidated housing stock, or high rates of
5 low or moderate income residents.

6 4. The authority shall enter into an agreement with
7 each city for the receipt of financial assistance under
8 this section. The authority may negotiate the terms of the
9 agreement.

10 5. In providing financial assistance under this section,
11 the authority shall coordinate with a city to develop a plan
12 for the use of funds that is consistent with the community
13 development, housing, and economic development goals of the
14 city. The terms of the agreement entered into pursuant to
15 subsection 3 and the use of financial assistance provided under
16 this section shall reflect the plan developed based on a city's
17 goals.

18 Sec. 36. Section 657A.1, subsections 1 and 3, Code 2015, are
19 amended to read as follows:

20 1. "Abandoned" or "abandonment" means that a building has
21 remained vacant and has been in violation of the housing code
22 or building code of the city in which the property is located
23 or the housing code or building code applicable in the county
24 in which the property is located if outside the limits of a
25 city for a period of six consecutive months.

26 3. "Building" means a building or structure located in a
27 city or outside the limits of a city in a county, which is used
28 or intended to be used for commercial or industrial purposes or
29 which is used or intended to be used for residential purposes,
30 and includes a building or structure in which some floors
31 may be used for retail stores, shops, salesrooms, markets,
32 or similar commercial uses, or for offices, banks, civic
33 administration activities, professional services, or similar
34 business or civic uses, and other floors are used, designed, or
35 intended to be used for residential purposes.

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1 Sec. 37. Section 657A.10A, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 b. The petition shall be filed in the district court of
4 the county in which the property is located. Service on the
5 owner and any other named respondents shall be by personal
6 service or certified mail and or, if service cannot be made by
7 either method, by posting the notice in a conspicuous place
8 on the building and by publication in a newspaper of general
9 circulation in the city. The action shall be in equity.

10 Sec. 38. Section 657A.10A, subsection 3, paragraphs d, f,
11 and j, Code 2015, are amended to read as follows:

12 d. Whether the building meets the city's housing code ~~for~~ as
13 being fit for human habitation, occupancy, or use.

14 f. Whether the building is boarded up or otherwise secured
15 from unauthorized entry.

16 j. Past and current compliance with orders of the local
17 housing or building code official.

18 Sec. 39. Section 657A.10A, subsection 3, Code 2015, is
19 amended by adding the following new paragraphs:

20 NEW PARAGRAPH. *0e.* Whether the building meets the city's
21 building code as being fit for occupancy or use.

22 NEW PARAGRAPH. *0h.* Whether those claiming an interest
23 in the property have, prior to the filing of the petition,
24 demonstrated a good-faith effort to restore the property to
25 productive use.

26 Sec. 40. Section 657A.10A, subsections 4 and 5, Code 2015,
27 are amended to read as follows:

28 4. In lieu of the considerations in subsection 3, if the
29 city can establish to the court's satisfaction that all parties
30 with an interest in the property have received proper notice
31 and either consented to the entry of an order awarding title
32 to the property to the city or did not make a ~~good-faith~~
33 good-faith effort to comply with the order of the local housing
34 or building code official within sixty days after the filing
35 of the petition, the court shall enter judgment against the

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1 respondents granting the city title to the property.

2 5. If the court determines that the property has been
3 abandoned or that subsection 4 applies, the court shall enter
4 judgment and order awarding title to the city. The title
5 awarded to the city shall be free and clear of any claims,
6 liens, or encumbrances held by the respondents.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to economic development by modifying life
11 cycle cost analysis provisions relating to public facilities,
12 modifying and establishing programs administered by the Iowa
13 commission on volunteer service, specifying the state matching
14 funds available for payment of intern wages under the science,
15 technology, engineering, and mathematics internship program,
16 modifying provisions related to reinvestment districts and to
17 flood mitigation projects, modifying provisions concerning
18 enterprise zones, and modifying provisions and establishing a
19 program relating to nuisance property and abandoned buildings.

20 Division I of the bill modifies provisions relating to the
21 life cycle analysis required of certain public facilities.
22 The division adds a definition of "addition" and modifies the
23 definitions of "facility" and "renovation" and requires a
24 public agency responsible for the construction or renovation
25 of a facility or the construction of an addition to a facility
26 to include the performance of a life cycle cost analysis as
27 a design criterion on or after the effective date of the
28 division. The division requires a public agency or person
29 preparing a life cycle cost analysis for a public agency to
30 use methodology established, by rule, by the state building
31 code commissioner, rather than methods and analytical
32 models provided by the economic development authority. The
33 division requires the commissioner to also adopt rules for the
34 implementation and adoption of the life cycle cost analysis.
35 The division takes effect upon enactment.

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1 Division II of the bill concerns programs administered
2 by the Iowa commission on volunteer service (commission).
3 The division allows the commission, in collaboration with
4 the department of education, to establish the Iowa reading
5 corps. The Iowa reading corps would provide Iowa reading corps
6 Americorps members with a data-based, problem-solving model
7 of literacy instruction to use in tutoring students, from
8 prekindergarten to third grade that are either not proficient
9 in reading or at risk of becoming not proficient in reading.
10 The division requires all models of literacy instruction used
11 by Iowa reading corps Americorps members to align with literacy
12 program goals and strategies developed by the Iowa department
13 of education and the Iowa reading research center. The
14 division allows the commission to use moneys in and available
15 to the community programs account established in current Code
16 section 15H.5 to fund the program.

17 The division also allows the commission to establish an
18 Iowa national service corps to provide opportunities for state
19 agencies, political subdivisions of the state, and private
20 nonprofit organizations to create national service programs
21 outside of existing state and federal programs to meet state
22 and local needs and provide opportunities for volunteer
23 service. The division provides that existing programs and
24 service positions are automatically part of the Iowa national
25 service corps programs. The division allows state agencies or
26 political subdivisions of the state to enter into agreements
27 with approved Iowa national service corps programs either
28 directly or through the commission. The division states a
29 person participating in the Iowa national service corps program
30 is not an employee of the organization in which the person is
31 enrolled, is exempt from the state merit system requirements,
32 and is ineligible to receive unemployment compensation benefits
33 upon completion of service. The division allows state agencies
34 or political subdivisions of the state to establish hiring
35 preferences for Iowa national service corps or Americorps

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1 participants that have successfully completed a year of
2 full-time service or 1,700 hours over a period beyond one year.

3 Division III of the bill amends language relating to wages
4 paid to an intern under the science, technology, engineering,
5 and mathematics internship program to specify that an Iowa
6 employer may receive financial assistance from the state on a
7 matching basis. The division provides that if the authority
8 offers financial assistance for a student at a small or medium
9 sized Iowa firm that is an innovative business, for every \$3
10 earned by the student in wages, the employer's payment of \$2
11 shall be matched by the authority with \$1 on a reimbursement
12 basis. If the authority offers financial assistance for a
13 science, technology, engineering, or mathematics student
14 working with an Iowa employer, for every \$2 earned by the
15 student in wages, the employer's payment of \$1 shall be
16 matched by the authority with \$1 on a reimbursement basis.
17 The division requires the authority to administer the two
18 components of the internship program in as similar a manner
19 as possible. The division authorizes the authority to adopt
20 emergency rules for this division of the bill. The division
21 takes effect upon enactment and applies retroactively to
22 contracts for financial assistance entered into on or after
23 July 1, 2014.

24 Division IV of the bill relates to reinvestment districts
25 under Code chapter 15J and flood mitigation projects under
26 Code chapter 418. The division eliminates the prohibition on
27 the flood mitigation board approving an amendment on or after
28 July 1, 2018, to an existing district's plan. The division
29 modifies the definition of "governmental entity" for purposes
30 of a flood mitigation project to include a joint board or other
31 legal or administrative entity formed by a Code chapter 28F
32 agreement entered into by one or more counties, one or more
33 cities at least partly within the counties, and one or more
34 Code chapter 358 sanitary districts or a combined water and
35 sanitary district established by Code chapter 357 or 358 and

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1 located at least partly within the city or county.

2 The division provides that, for purposes of funding a
3 flood mitigation project, the sales tax increment area shall
4 not include any parcels that are included in a reinvestment
5 district established under Code chapter 15J.

6 The division removes the \$30 million limit on the amount
7 of moneys that may accrue to the flood mitigation fund or the
8 accounts within the fund, but maintains the requirement that
9 the department of revenue determine whether the moneys in the
10 fund exceeds the amount necessary for the purposes of the Code
11 chapter and, if so, to credit the money to the department for
12 deposit in the general fund of the state. The limitation on
13 the total amount of remittances that may be made from the fund
14 in any fiscal year is maintained at \$30 million.

15 The division provides that transfers of sales tax increment
16 revenue to a reinvestment district account shall be made
17 prior to transfer of sales tax increment revenue to a flood
18 mitigation project account. The division also provides that
19 from the amounts transferred to reinvestment district accounts
20 and flood mitigation project accounts the department of revenue
21 shall retain the lesser of \$25,000 or the actual cost of
22 administering the specified transfers of sales tax increment
23 revenue quarterly as a repayment receipt. The bill provides
24 the process for the retention of the revenue.

25 The division is effective upon enactment. The division
26 applies retroactively to reinvestment districts designated
27 under Code chapter 15J in existence on or after July 1, 2014,
28 and flood mitigation project plan applications received before,
29 on, or after the effective date of the division. The sections
30 of the division amending Code section 423.2, regarding the
31 transfers of sales tax increment revenue to a reinvestment
32 district and to a flood mitigation project account as well as
33 the retention of repayment receipts, apply to transfers of
34 sales tax revenues made on or after July 1, 2015.

35 Division V of the bill relates to enterprise zones. The

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1 division allows a city or county and the economic development
2 authority for compliance reasons to amend agreements made under
3 the enterprise zone program as long as the amendments do not
4 increase the amount of incentives awarded and the economic
5 development authority board approves.

6 Division VI of the bill relates to nuisance properties
7 and abandoned buildings. The division requires the economic
8 development authority to establish a nuisance property
9 remediation fund for the purpose of providing financial
10 assistance to cities for the remediation of nuisance
11 properties, abandoned buildings, and other structures. The
12 division provides that moneys in a fund established in the high
13 quality jobs program may be deposited in the nuisance property
14 remediation fund. The division allows the authority to operate
15 the fund as a revolving fund and to use moneys in the fund for
16 purposes of the program, or the authority may transfer the
17 moneys to other funds it has created. However, the division
18 states that the authority must use any money specifically
19 appropriated for nuisance property remediation assistance for
20 the program. Moneys in the fund consist of appropriations and
21 any other moneys lawfully available to the authority. The
22 authority may provide this assistance using a competitive
23 scoring process. The division requires the authority to enter
24 into an agreement with the city concerning the assistance. The
25 division allows the authority to grant priority to cities with
26 severe blighted areas, widespread dilapidated housing stock, or
27 high rates of low and moderate income residents.

28 Division VI also makes changes to the authority of cities
29 and counties relating to certain abandoned or unsafe buildings.
30 Code chapter 657A allows a city or county to take action
31 to abate by rehabilitation a building used primarily for
32 residential purposes that meets the statutory definition of
33 "abandoned" or "public nuisance", as those terms are defined
34 by the Iowa Code. The costs associated with rehabilitating
35 the building that remain unpaid by the owner create a mortgage

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1 lien against the property. In lieu of abatement through
2 rehabilitation, Code section 657A.10A allows a city to file
3 an action in district court to take title to an abandoned
4 building. The court may award title to the petitioning city if
5 the court finds that the building is abandoned, using factors
6 established in statute, or if the city establishes that all
7 interested parties received proper notice and the interested
8 parties either consented to the title transfer or had taken no
9 action to comply with local housing official orders within 60
10 days after the filing of the petition.

11 The division amends the definition of "building" in Code
12 section 657A.1 to include buildings used or intended to be used
13 for commercial or industrial purposes and makes corresponding
14 amendments to refer to the local building code or local housing
15 code, as applicable.

16 Currently, Code section 657A.10A requires that service
17 of notice of the filing of the petition for title be made
18 on interested parties by certified mail and by posting on
19 the building. The division provides that service shall be
20 by personal service or certified mail or, if service cannot
21 be made by either method, by posting on the building and
22 publication in a newspaper of general circulation in the city.

23 The division also amends Code section 657A.10A to add to the
24 listing of factors for the court to consider when determining
25 whether property has been abandoned.



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Senate File 108 - Introduced

SENATE FILE 108
BY DOTZLER

A BILL FOR

1 An Act creating an apprenticeship training tax credit available
2 against the individual and corporate income tax and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 15B.5 Apprenticeship training tax
2 credit.

3 1. a. An apprenticeship training tax credit shall be
4 allowed against the taxes imposed in chapter 422, divisions II
5 and III, for a portion of the taxpayer's costs in providing
6 wages to apprentices in the construction trade trained under an
7 apprenticeship program.

8 b. An individual may claim a tax credit under this
9 subsection of a partnership, limited liability company,
10 S corporation, estate, or trust electing to have income
11 taxed directly to the individual. The amount claimed by the
12 individual shall be based upon the pro rata share of the
13 individual's earnings from the partnership, limited liability
14 company, S corporation, estate, or trust.

15 c. Any tax credit in excess of the taxpayer's liability
16 for the tax year is not refundable. A tax credit shall not be
17 carried back to a tax year prior to the tax year in which the
18 taxpayer first receives the tax credit.

19 2. a. To be eligible for the tax credit, the taxpayer
20 shall be an apprenticeship sponsor conducting an apprenticeship
21 program for an apprentice working in the construction trade and
22 employed at an Iowa worksite.

23 b. The tax credit shall be two dollars per hour multiplied
24 by the total number of hours worked during the tax year by an
25 apprentice working for a taxpayer described in paragraph "a".
26 The amount of tax credit in any year received by a taxpayer for
27 each apprentice may not exceed two thousand dollars or fifty
28 percent of the wages the apprentice earned, whichever is less.

29 3. a. To claim an apprenticeship training tax credit under
30 this section, a taxpayer must include one or more tax credit
31 certificates issued by the authority with the taxpayer's tax
32 return, verifying the taxpayer's eligibility for the credit.
33 A tax credit certificate shall not be included with a return
34 filed for a taxable year beginning prior to the tax year listed
35 on the certificate.

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b. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II and III, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this section.

7 4. a. The authority shall accept applications from eligible
8 employers for an apprenticeship training tax credit.

9 b. If the authority determines the employer qualifies for
10 a tax credit pursuant to this section, the authority shall
11 issue an apprenticeship training tax credit certificate to
12 be included with the taxpayer's tax return. The tax credit
13 certificate shall contain the taxpayer's name, address, tax
14 identification number, the amount of the credit, the name of
15 the qualifying employer, the name of each apprentice, and any
16 other information required by the department of revenue.

17 c. Tax credit certificates issued under this section are not
18 transferrable to any person or entity.

19 5. The authority shall adopt rules pursuant to chapter
20 17A to administer this section, including rules governing
21 the application process and the criteria used to evaluate
22 applications.

23 Sec. 2. NEW SECTION. 422.10A Apprenticeship training tax
24 credit.

25 The taxes imposed under this division, less the credits
26 allowed under section 422.12, shall be reduced by an
27 apprenticeship training tax credit allowed under section 15B.5.

28 Sec. 3. Section 422.33, Code 2015, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 31. The taxes imposed under this division
31 shall be reduced by an apprenticeship training tax credit
32 allowed under section 15B.5.

33 Sec. 4. APPLICABILITY. This Act applies to tax years
34 beginning on or after January 1, 2016.

35	EXPLANATION
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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill creates a tax credit for apprenticeship sponsors
4 employing an apprentice working in the construction trade
5 at Iowa worksites. The tax credit is available against the
6 individual and corporate income tax for a portion of the wages
7 paid to apprentices in the construction trade trained through
8 an apprenticeship program.

9 The amount of the credit is equal to \$2 per hour multiplied
10 by the total number of hours that an apprentice worked during
11 the tax year. The bill limits the amount of the tax credit
12 in any year received by a taxpayer for each apprentice to a
13 maximum of \$2,000 or 50 percent of the wages the apprentice
14 earned, whichever is less.

15 The bill requires the taxpayer to be an apprenticeship
16 sponsor conducting an apprenticeship program registered with
17 the United States department of labor, office of apprenticeship
18 through Iowa for an apprentice working in the construction
19 trade and employed at an Iowa worksite.

20 The tax credit is not refundable, and a tax credit shall not
21 be carried back to a tax year prior to the tax year in which the
22 taxpayer first receives the tax credit. The tax credit is not
23 transferable.

24 To claim an apprenticeship training tax credit, a taxpayer
25 must include with the tax return a tax credit certificate
26 issued by the economic development authority. The bill directs
27 the economic development authority to adopt rules for the
28 issuance of the tax credit certificates.

29 The bill applies to tax years beginning on or after January
30 1, 2016.



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Senate File 109 - Introduced

SENATE FILE 109

BY BOLKCOM, RAGAN, DOTZLER,
DVORSKY, MATHIS, ALLEN,
SODDERS, QUIRMBACH, HART,
SCHOENJAHN, JOCHUM,
GRONSTAL, COURTNEY,
DEARDEN, HORN, TAYLOR,
PETERSEN, BISIGNANO,
KINNEY, McCOY, BRASE, and
SENG

A BILL FOR

1 An Act relating to abuse and financial exploitation of elders
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 235F.1, subsection 14, paragraph c, Code
2 2015, is amended to read as follows:

3 c. Is a person who is in a confidential relationship with
4 the vulnerable elder. ~~For the purposes of this paragraph "c", a~~
5 ~~confidential relationship does not include a legal, fiduciary,~~
6 ~~or ordinary commercial or transactional relationship the~~
7 ~~vulnerable elder may have with a bank incorporated under the~~
8 ~~provisions of any state or federal law, any savings and loan~~
9 ~~association or savings bank incorporated under the provisions~~
10 ~~of any state or federal law, any credit union organized under~~
11 ~~the provisions of any state or federal law, any attorney~~
12 ~~licensed to practice law in this state, or any agent, agency,~~
13 ~~or company regulated under chapter 505, 508, 515, or 543B The~~
14 determination of the existence of a confidential relationship
15 is an issue of fact to be determined by the court based upon the
16 totality of the circumstances.

17 Sec. 2. Section 235F.1, subsection 15, Code 2015, is amended
18 to read as follows:

19 15. *"Substitute petitioner"* means a any of the following
20 persons who files a petition under this chapter:

21 a. A family or household member, guardian, conservator,
22 attorney in fact, or guardian ad litem for a vulnerable elder,
23 ~~or other interested.~~

24 b. ~~A person who files a petition under this chapter who~~
25 has a demonstrated interest in the vulnerable elder based on a
26 legal right which will be directly affected by the outcome or
27 result of the action or based on a legal liability which will
28 be directly enlarged or diminished by the outcome or result of
29 the action.

30 Sec. 3. Section 235F.2, subsection 5, unnumbered paragraph
31 1, Code 2015, is amended to read as follows:

32 If a substitute petitioner files a petition under this
33 section on behalf of a vulnerable elder, the clerk of court
34 shall provide notice of the filing to the vulnerable elder. If
35 a petition is filed under this subsection, the vulnerable elder

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1 shall retain the right to all of the following:

2 Sec. 4. Section 235F.2, Code 2015, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 6. The court may, in its discretion, limit
5 the number of petitions filed and the timeframe within which
6 multiple filings of petitions may be made under this section
7 involving the same vulnerable elder.

8 Sec. 5. NEW SECTION. 726.11 **Financial exploitation of an**
9 **older individual.**

10 1. A person commits financial exploitation of an older
11 individual when the person stands in a position of trust or
12 confidence with the older individual and knowingly and by undue
13 influence, deception, coercion, fraud, breach of fiduciary
14 duty, or extortion, obtains control over or otherwise uses
15 or diverts the benefits, property, resources, belongings, or
16 assets of the older individual.

17 2. A person who commits financial exploitation of an older
18 individual is guilty of the following, as applicable:

19 a. Financial exploitation in the fifth degree which is
20 a simple misdemeanor if the value of the funds, benefits,
21 property, resources, belongings, or assets is two hundred
22 dollars or less.

23 b. Financial exploitation in the fourth degree which is
24 a serious misdemeanor if the value of the funds, benefits,
25 property, resources, belongings, or assets exceeds two hundred
26 dollars but does not exceed five hundred dollars.

27 c. Financial exploitation in the third degree which is an
28 aggravated misdemeanor if the value of the funds, benefits,
29 property, resources, belongings, or assets exceeds five hundred
30 dollars but does not exceed one thousand dollars.

31 d. Financial exploitation in the second degree which is a
32 class "D" felony if the value of the funds, benefits, property,
33 resources, belongings, or assets exceeds one thousand dollars
34 but does not exceed ten thousand dollars.

35 e. Financial exploitation in the first degree which is a

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1 class "C" felony if the value of the funds, benefits, property,
2 resources, belongings, or assets exceeds ten thousand dollars.

3 3. Nothing in this section shall be construed to limit other
4 remedies available to the older individual including those
5 provided under chapters 235F and 236.

6 4. A person alleged to have committed a violation under this
7 section shall be charged with the respective offense, unless
8 a charge may be brought based upon a more serious offense,
9 in which case the charge of the more serious offense shall
10 supersede the less serious charge.

11 5. Nothing in this section shall be construed to impose
12 criminal liability on a person who has made a good-faith effort
13 to assist an older individual in the management of the older
14 individual's benefits, property, resources, belongings, or
15 assets, but through no fault of the person, the person has been
16 unable to provide such assistance.

17 6. It shall not be a defense to financial exploitation of
18 an older individual that the alleged perpetrator did not know
19 the age of the older individual or reasonably believed that the
20 alleged victim was not an older individual.

21 7. For the purposes of this section:

22 a. "Caretaker" means a related or nonrelated person who has
23 the responsibility for the protection, care, or custody of an
24 older individual as a result of assuming the responsibility
25 voluntarily, by contract, through employment, or by order of
26 the court. "Caretaker" does not include a caretaker as defined
27 in section 235E.1.

28 b. "Coercion" means communication or conduct which compels
29 an older individual to act or refrain from acting against the
30 older individual's will.

31 c. "Fiduciary" means a person or entity with the legal
32 responsibility to make decisions on behalf of and for the
33 benefit of an older individual and to act in good faith and
34 with fairness. "Fiduciary" includes but is not limited to an
35 attorney in fact, a guardian, or a conservator.

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1 and instead including a person who has a demonstrated interest
2 in the vulnerable elder.

3 The bill provides that if a substitute petitioner files
4 a petition for relief from elder abuse, the clerk of court
5 shall provide notice to the vulnerable elder. The bill also
6 authorizes the court, in its discretion, to limit the number of
7 petitions filed and the timeframe within which multiple filings
8 of petitions may be made involving the same vulnerable elder.

9 The bill establishes the crime of financial exploitation of
10 an older individual. A person commits financial exploitation
11 of an older individual when the person stands in a position of
12 trust or confidence with the older individual and knowingly
13 and by undue influence, deception, coercion, fraud, breach of
14 fiduciary duty, or extortion, obtains control over or otherwise
15 uses the benefits, property, resources, belongings, or assets
16 of the older individual. The criminal penalties range from a
17 simple misdemeanor to a class "C" felony based on the amount
18 of benefits, property, resources, belongings, or assets of the
19 older individual involved.



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Senate File 110 - Introduced

SENATE FILE 110
BY MATHIS

A BILL FOR

1 An Act establishing an Iowa employment rides initiative and
2 related fund in the economic development authority.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1653XS (4) 86
je/sc



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1 Section 1. NEW SECTION. 15.431 Iowa employment rides
2 initiative — grant program — fund.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. “*Employment transportation*” means an urban or
6 rural program or service that provides an individual with
7 transportation solely to or from a workplace, including but not
8 limited to the following programs and services:

9 (1) Expanding or sustaining existing transportation
10 services or service hours.

11 (2) Coordinating ride share services, including car pool or
12 van pool services.

13 (3) Shuttle services.

14 b. “*Public transit system*” means the same as defined in
15 section 324A.1.

16 2. The Iowa employment rides initiative is established in
17 the authority to provide funds to public transit systems for
18 programs and services that provide employment transportation
19 to Iowans.

20 3. The authority shall award funds from the initiative
21 on a competitive grant basis. A grant shall not exceed one
22 hundred fifty thousand dollars. A grant application shall
23 contain a commitment from the public transit system of at least
24 a dollar-for-dollar match of the grant funds awarded. Moneys
25 charged to individuals receiving employment transportation
26 services cannot be used as matching funds. Grant funds shall
27 be used only for operational costs directly associated with
28 providing employment transportation and shall not be used for
29 capital expenditures or construction.

30 4. A public transit system may coordinate with other local,
31 state, or federal governmental agencies and private nonprofit
32 organizations in the administration of a program or service
33 receiving a grant under the initiative and in expenditure of
34 grant funds.

35 5. The authority shall include in the authority’s annual

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1 report pursuant to section 15.107B information on the outcomes
2 of the initiative, including the grant amount, the type
3 of program or service receiving funds, and the number of
4 individuals served for each grant awarded by the initiative.
5 As a condition of having received a grant from the initiative,
6 a public transit system shall provide the authority with
7 information on any program or service for which the public
8 transit system is awarded a grant from the initiative.

9 6. The authority shall adopt rules pursuant to chapter 17A
10 to administer the initiative, including but not limited to an
11 application process and grant award criteria.

12 7. a. An Iowa employment rides fund is created in the state
13 treasury under the control of the authority. The fund shall
14 consist of moneys appropriated to the authority and any other
15 moneys available to, obtained, or accepted by the authority for
16 placement in the fund.

17 b. Moneys in the fund shall be used to provide grants
18 under the Iowa employment rides initiative established in this
19 section.

20 c. Moneys in the fund are not subject to section 8.33.
21 Notwithstanding section 12C.7, subsection 2, interest or
22 earnings on moneys in the fund shall be credited to the fund.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill establishes an Iowa employment rides initiative
27 in the economic development authority to provide funds to
28 public transit systems for programs and services that provide
29 employment transportation to Iowans.

30 The bill defines "employment transportation" as an urban
31 or rural program or service that provides an individual with
32 transportation solely to or from a workplace, including but
33 not limited to expanding or sustaining existing transportation
34 services or service hours; coordinating ride share services,
35 including car pool or van pool services; and shuttle services.

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1 A "public transit system" is defined under Code section
2 324A.1 as an urban or regional transit system providing
3 transit services accessible to the general public and receiving
4 federal, state, or local tax support.

5 The authority shall award funds from the initiative on a
6 competitive grant basis. A grant cannot exceed \$150,000. A
7 grant application must contain a commitment from the public
8 transit system of at least a dollar-for-dollar match of the
9 grant funds awarded. Moneys charged to individuals receiving
10 employment transportation services cannot be used as matching
11 funds. Grant funds can only be used for operational costs
12 directly associated with providing employment transportation
13 and cannot be used for capital expenditures or construction.

14 The bill permits a public transit system to coordinate
15 with other local, state, or federal governmental agencies and
16 private nonprofit organizations in the administration of a
17 program or service receiving a grant under the initiative and
18 in expenditure of grant funds awarded.

19 As a condition of receiving a grant from the initiative,
20 a public transit system must provide the authority with
21 information on any program or service for which the public
22 transit system is awarded a grant. The bill requires the
23 authority to include information in the authority's annual
24 report to the general assembly on the outcomes of the
25 initiative, including the grant amount, the type of program or
26 service receiving funds, and the number of individuals served
27 for each grant awarded by the initiative.

28 The bill requires the department to adopt administrative
29 rules to administer the initiative, including but not limited
30 to an application process and grant award criteria.

31 The bill creates an employment rides fund in the state
32 treasury under the control of the authority. The fund shall
33 consist of moneys appropriated to the authority and any other
34 moneys available to, obtained, or accepted by the authority for
35 placement in the fund. The moneys in the fund shall be used

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1 to provide grants under the Iowa employment rides initiative
2 established in the bill.



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Senate File 111 - Introduced

SENATE FILE 111
BY ZAUN

A BILL FOR

1 An Act increasing the amount of the tuition tax credit and
2 including retroactive applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1748XS (2) 86
mm/sc



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S.F. 111

1 Section 1. Section 422.12, subsection 2, paragraph b, Code
2 2015, is amended to read as follows:

3 b. A tuition credit equal to ~~twenty-five~~ fifty percent
4 of the first one thousand dollars ~~which~~ that the taxpayer
5 has paid to others for each dependent in grades kindergarten
6 through twelve, for tuition and textbooks of each dependent
7 in attending an elementary or secondary school situated in
8 Iowa, which school is accredited or approved under section
9 256.11, which is not operated for profit, and which adheres
10 to the provisions of the federal Civil Rights Act of 1964 and
11 chapter 216. Notwithstanding any other provision, all other
12 credits allowed under this subsection shall be deducted before
13 the tuition credit under this paragraph. The department, when
14 conducting an audit of a taxpayer's return, shall also audit
15 the tuition tax credit portion of the tax return.

16 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
17 retroactively to January 1, 2015, for tax years beginning on
18 or after that date.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill increases the amount of tuition tax credit allowed
23 under Code section 422.12 from 25 percent of the first \$1,000
24 paid for tuition and textbooks to 50 percent of the first
25 \$1,000 paid.

26 The bill applies retroactively to January 1, 2015, for tax
27 years beginning on or after that date.



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Senate File 112 - Introduced

SENATE FILE 112
BY ZAUN

A BILL FOR

1 An Act exempting investment counseling services from the state
2 sales tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1771XS (2) 86
mm/sc



Iowa General Assembly
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S.F. 112

1 Section 1. Section 423.2, subsection 6, paragraph a, Code
2 2015, is amended to read as follows:

3 a. The sales price of any of the following enumerated
4 services is subject to the tax imposed by subsection
5 5: alteration and garment repair; armored car; vehicle
6 repair; battery, tire, and allied; ~~investment counseling;~~
7 service charges of all financial institutions, excluding
8 service charges for investment counseling; barber and beauty;
9 boat repair; vehicle wash and wax; campgrounds; carpentry;
10 roof, shingle, and glass repair; dance schools and dance
11 studios; dating services; dry cleaning, pressing, dyeing, and
12 laundering; electrical and electronic repair and installation;
13 excavating and grading; farm implement repair of all kinds;
14 flying service; furniture, rug, carpet, and upholstery
15 repair and cleaning; fur storage and repair; golf and country
16 clubs and all commercial recreation; gun and camera repair;
17 house and building moving; household appliance, television,
18 and radio repair; janitorial and building maintenance or
19 cleaning; jewelry and watch repair; lawn care, landscaping,
20 and tree trimming and removal; limousine service, including
21 driver; machine operator; machine repair of all kinds; motor
22 repair; motorcycle, scooter, and bicycle repair; oilers and
23 lubricators; office and business machine repair; painting,
24 papering, and interior decorating; parking facilities; pay
25 television; pet grooming; pipe fitting and plumbing; wood
26 preparation; executive search agencies; private employment
27 agencies, excluding services for placing a person in employment
28 where the principal place of employment of that person is to
29 be located outside of the state; reflexology; security and
30 detective services, excluding private security and detective
31 services furnished by a peace officer with the knowledge and
32 consent of the chief executive officer of the peace officer's
33 law enforcement agency; sewage services for nonresidential
34 commercial operations; sewing and stitching; shoe repair
35 and shoeshine; sign construction and installation; storage

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1 of household goods, mini-storage, and warehousing of raw
2 agricultural products; swimming pool cleaning and maintenance;
3 tanning beds or salons; taxidermy services; telephone
4 answering service; test laboratories, including mobile testing
5 laboratories and field testing by testing laboratories, and
6 excluding tests on humans or animals; termite, bug, roach, and
7 pest eradicators; tin and sheet metal repair; transportation
8 service consisting of the rental of recreational vehicles
9 or recreational boats, or the rental of vehicles subject
10 to registration which are registered for a gross weight of
11 thirteen tons or less for a period of sixty days or less, or
12 the rental of aircraft for a period of sixty days or less;
13 Turkish baths, massage, and reducing salons, excluding services
14 provided by massage therapists licensed under chapter 152C;
15 water conditioning and softening; weighing; welding; well
16 drilling; wrapping, packing, and packaging of merchandise other
17 than processed meat, fish, fowl, and vegetables; wrecking
18 service; wrecker and towing.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill exempts the furnishing of investment counseling
23 services from the state sales tax.

24 By operation of Code section 423.6, an item exempt from the
25 imposition of the sales tax is also exempt from the use tax
26 imposed in Code section 423.5.



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Senate File 113 - Introduced

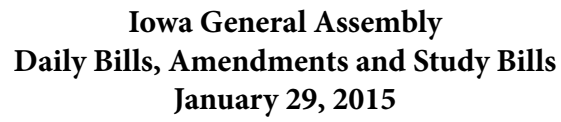
SENATE FILE 113

BY ZAUN, ANDERSON, and WHITVER

A BILL FOR

1 An Act providing for annual review of pensions by the public
2 retirement systems committee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1820XS (3) 86
ec/sc



1 Section 1. Section 97D.4, subsection 3, unnumbered
2 paragraph 1, Code 2015, is amended to read as follows:
3 The committee, on an annual basis, shall:

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

LSB 1820XS (3) 86
ec/sc



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Senate File 114 - Introduced

SENATE FILE 114
BY ZAUN

A BILL FOR

1 An Act relating to the review of administrative rules and the
2 rulemaking process and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1809XS (3) 86
je/rj



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1 Section 1. Section 7.17, Code 2015, is amended to read as
2 follows:

3 **7.17 Office of administrative rules coordinator.**

4 1. The governor shall establish the office of the
5 administrative rules coordinator, and appoint its staff, which
6 shall be a part of the governor's office.

7 2. The administrative rules coordinator shall receive all
8 notices and rules adopted pursuant to chapter 17A and provide
9 the governor with an opportunity to review and object to any
10 rule as provided in chapter 17A.

11 3. a. The administrative rules coordinator shall create a
12 citizens' committee, consisting of regulators, stakeholders,
13 members of the public, and legislators, to advise the
14 administrative rules coordinator on rulemaking issues.

15 b. The members of the committee shall not be paid a per diem
16 but shall be reimbursed for travel expenses.

17 Sec. 2. Section 17A.4, subsection 1, paragraph b, Code 2015,
18 is amended to read as follows:

19 b. (1) Afford all interested persons not less than twenty
20 days to submit data, views, or arguments in writing, including
21 in an electronic format. If timely requested in writing by
22 twenty-five interested persons, by a governmental subdivision,
23 by the administrative rules review committee, by an agency, or
24 by an association having not less than twenty-five members, the
25 agency must give interested persons an opportunity to make oral
26 presentation.

27 (2) To the extent practicable, the agency shall provide an
28 opportunity to make these oral presentations using the Iowa
29 communications network or other electronic means and provide
30 public access at multiple sites throughout the state. If
31 a request is received from twenty-five interested persons
32 residing in the same city or county, the agency shall provide
33 an opportunity for oral presentation in that city or county.

34 (3) The opportunity for oral presentation must be held
35 at least twenty days after publication of the notice of its

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1 time and place in the Iowa administrative bulletin. The
2 agency shall consider fully all written and oral submissions
3 respecting the proposed rule. Within one hundred eighty
4 days following either the notice published according to the
5 provisions of paragraph "a" or within one hundred eighty
6 days after the last date of the oral presentations on the
7 proposed rule, whichever is later, the agency shall adopt a
8 rule pursuant to the rulemaking proceeding or shall terminate
9 the proceeding by publishing notice of termination in the Iowa
10 administrative bulletin.

11 Sec. 3. Section 17A.4, subsection 2, Code 2015, is amended
12 to read as follows:

13 2. An agency shall include in a preamble to each rule
14 it adopts ~~a brief explanation of the principal reasons for~~
15 ~~its action pursuant to section 17A.5 a concise statement~~
16 of the principal reasons for and against the rule adopted,
17 incorporating in the statement the reasons for overruling
18 considerations urged against the rule and, if applicable, a
19 brief explanation of the principal reasons for its failure
20 to provide in ~~that~~ the rule for the waiver of the rule in
21 specified situations if no such waiver provision is included
22 in the rule. ~~This explanatory requirement does not apply when~~
23 ~~the agency adopts a rule that only defines the meaning of a~~
24 ~~provision of law if the agency does not possess delegated~~
25 ~~authority to bind the courts to any extent with its definition.~~
26 ~~In addition, if requested to do so by an interested person,~~
27 ~~either prior to adoption or within thirty days thereafter, the~~
28 ~~agency shall issue a concise statement of the principal reasons~~
29 ~~for and against the rule adopted, incorporating therein the~~
30 ~~reasons for overruling considerations urged against the rule.~~
31 ~~This concise statement shall be issued either at the time of~~
32 ~~the adoption of the rule or within thirty-five days after the~~
33 ~~agency receives the request.~~

34 Sec. 4. NEW SECTION. 17A.4B Job impact statement.

35 1. a. *"Benefit"* means the reasonably identifiable and

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1 quantifiable positive effect or outcome that is expected to
2 result from implementation of a rule.

3 *b. "Cost"* means reasonably identifiable, significant, direct
4 or indirect, economic impact that is expected to result from
5 implementation of and compliance with a rule.

6 *c. "Cost-benefit analysis"* means regulatory analysis
7 to provide the public with transparency regarding the
8 cost-effectiveness of a rule, including the economic costs
9 and benefits and the effectiveness weighed by the agency
10 in adopting the rule. *"Cost-benefit analysis"* includes a
11 comparison of the probable costs and benefits of a rule to the
12 probable costs and benefits of less intrusive or less expensive
13 methods that exist for achieving the purpose of the rule.

14 *d. "Jobs"* means private sector employment including
15 self-employment and areas for potential for employment growth.

16 *e. "Jobs impact statement"* means a statement that does all
17 of the following:

18 (1) Identifies the purpose of a rule and the applicable
19 section of the statute that provides specific legal authority
20 for the agency to adopt the rule.

21 (2) Identifies and describes the cost that the agency
22 anticipates state agencies, local governments, the public, and
23 the regulated entities, including regulated businesses and
24 self-employed individuals, will incur due to implementing and
25 complying with a rule.

26 (3) Determines whether a rule would have a positive
27 or negative impact on private sector jobs and employment
28 opportunities in Iowa.

29 (4) Describes and quantifies the nature of the impact a rule
30 will have on private sector jobs and employment opportunities
31 including the categories of jobs and employment opportunities
32 that are affected by the rule, and the number of jobs or
33 potential job opportunities and the regions of the state
34 affected by the rule.

35 (5) Identifies, where possible, the additional costs to

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1 employers per employee due to implementing and complying with
2 a rule.

3 (6) Includes other relevant analysis requested by the
4 administrative rules coordinator.

5 2. Prior to implementation of a rule, an agency shall
6 take steps to minimize the adverse impact on jobs and
7 the development of new employment opportunities due to
8 implementation of the rule.

9 3. An agency shall provide a jobs impact statement to the
10 administrative rules coordinator prior to publication of a
11 notice of intended action or the publication of a rule without
12 notice.

13 4. The jobs impact statement shall be published as part
14 of the preamble to the notice of rulemaking in the Iowa
15 administrative bulletin, unless the administrative rules
16 coordinator determines that publication of the entire jobs
17 impact statement would be unnecessary or impractical.

18 5. An agency shall accept comments and information
19 from stakeholders prior to final preparation of the jobs
20 impact statement. Any concerned private sector employer or
21 self-employed individual, potential employer, potential small
22 business, or member of the public may submit information
23 relating to a jobs impact statement upon a request for
24 information or prior to publication of a notice of intended
25 action or publication of a rule without notice by an agency.

26 6. If a jobs impact statement is revised after a notice
27 of intended action or a rule without notice is published, the
28 revised jobs impact statement shall be published as part of
29 the preamble to the adopted version of the rule, unless the
30 administrative rules coordinator determines that publication
31 of the entire jobs impact statement would be unnecessary or
32 impractical.

33 7. The analysis in the jobs impact statement shall give
34 particular weight to jobs in production sectors of the economy
35 which includes the manufacturing and agricultural sectors of

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1 the economy and shall include analysis, where applicable, of
2 the impact of the rule on expansion of existing businesses or
3 facilities.

4 8. The administrative rules coordinator may waive the jobs
5 impact statement requirement for rules proposed on an emergency
6 basis or if unnecessary or impractical.

7 9. By July 1, 2016, and every five years thereafter, an
8 agency shall prepare a comprehensive jobs impact statement
9 for all of the agency's rules. An agency shall transmit
10 each five-year comprehensive jobs impact statement to the
11 administrative rules coordinator, the administrative rules
12 review committee, and the administrative code editor. The
13 administrative code editor shall publish the statement, or a
14 summary, in the Iowa administrative bulletin.

15 Sec. 5. NEW SECTION. 17A.4C **Negotiated rulemaking.**

16 1. An agency shall create a negotiated rulemaking group if
17 required by statute. An agency may, on its own motion or upon
18 request, create a negotiated rulemaking group if the agency
19 determines that a negotiated rulemaking group can adequately
20 represent the interests that will be significantly affected by
21 a draft rule proposal and that it is feasible and appropriate
22 in the particular rulemaking. Notice of the creation of a
23 negotiated rulemaking group shall be published in the Iowa
24 administrative bulletin. Upon establishing a negotiated
25 rulemaking group, the agency shall also specify a time frame
26 for group deliberations.

27 2. Unless otherwise provided by statute, the agency shall
28 appoint a sufficient number of members to the group so that
29 a fair cross section of interests and opinions regarding the
30 draft rule proposal is represented. One person shall be
31 appointed to represent the agency. The group shall select its
32 own chairperson and adopt its rules of procedure. All meetings
33 of the group shall be open to the public. A majority of the
34 membership constitutes a quorum. Members shall not receive
35 any per diem payment but shall be reimbursed for all necessary

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1 expenses. Any vacancy shall be filled in the same manner as
2 the initial appointment.

3 3. Prior to the publication of a notice of intended action,
4 the group shall consider the terms or substance of the rule
5 proposed by the agency and shall attempt to reach a consensus
6 on the advisability of adopting the draft rule proposal.

7 4. If a group reaches a consensus on a draft rule proposal,
8 the group shall transmit to the agency a report containing the
9 consensus on the draft rule proposal. If the group does not
10 reach a consensus on a draft rule proposal within the specified
11 time frame, the group shall transmit to the agency a report
12 stating that inability to reach a consensus and specifying any
13 areas in which the group reached a consensus. The group may
14 include in a report any other information, recommendations,
15 or materials that the group considers appropriate. Any group
16 member may include as an addendum to the report additional
17 information, recommendations, or materials. A report issued
18 under this subsection shall not be considered final agency
19 action for purposes of judicial review.

20 5. Unless otherwise provided by statute, following
21 consideration of a draft rule proposal by a negotiated
22 rulemaking group, the agency may commence rulemaking as
23 provided in section 17A.4. The group is automatically
24 abolished upon the agency's adoption of the rule pursuant to
25 the provisions of section 17A.5.

26 Sec. 6. Section 17A.7, subsection 2, Code 2015, is amended
27 to read as follows:

28 2. Beginning July 1, 2012, over each five-year period of
29 time, an agency shall conduct an ongoing and comprehensive
30 review of all of the agency's rules. The goal of the review
31 is the identification and elimination of all rules of the
32 agency that are outdated, redundant, ~~or~~ overbroad, ineffective,
33 unnecessary, inconsistent or incompatible with statute or its
34 own rules or those of other agencies, or otherwise undesirable.
35 An agency shall commence its review by developing a plan of

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1 review in consultation with major stakeholders and constituent
2 groups. As part of its review, an agency shall review existing
3 policy and interpretive statements or similar documents to
4 determine whether it would be necessary or appropriate to adopt
5 these statements or documents as rules.

6 a. An agency shall establish its five-year plan for review
7 of its rules and publish the plan in the Iowa administrative
8 bulletin.

9 b. An agency's plan for review shall do all of the
10 following:

11 (1) Contain a schedule that lists when the review of each
12 rule or rule group will occur.

13 (2) State the method by which the agency will analyze
14 the rule under review regarding the considerations listed in
15 paragraph "c".

16 (3) Provide a means for public participation in the review
17 process and specify how interested persons may participate in
18 the review.

19 (4) Identify instances where the agency may require an
20 exception to the review requirements.

21 (5) Provide a process for ongoing review of rules after the
22 initial five-year review period has expired.

23 c. An agency shall analyze its rules under review by
24 considering all of the following:

25 (1) The need for the rule.

26 (2) The clarity of the rule.

27 (3) The intent and legal authority for the rule.

28 (4) The qualitative and quantitative benefits and costs of
29 the rule.

30 (5) The fairness of the rule.

31 d. When the agency completes the five-year review of the
32 agency's own rules, the agency shall provide a summary of
33 the results to the administrative rules coordinator and the
34 administrative rules review committee.

35 **Sec. 7. NEW SECTION. 17A.24 Rule implementation of federal**

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1 statute, regulation, or policy.

2 1. Except as otherwise explicitly authorized by state law,
3 an agency charged with the implementation of a federal statute,
4 regulation, or policy shall not implement the federal statute,
5 regulation, or policy in a manner that exceeds the specific
6 requirements of the federal statute, regulation, or policy.

7 2. Any portion of an agency rule or policy that implements
8 a federal statute, regulation, or policy and that exceeds the
9 specific requirements of the federal statute, regulation, or
10 policy is automatically superseded by the specific requirements
11 of that federal statute, regulation, or policy.

12 Sec. 8. ENVIRONMENTAL REGULATION STUDY.

13 1. The legislative council, in consultation with the
14 department of natural resources, shall establish a study to
15 analyze the projected financial effects of current and proposed
16 United States environmental protection agency regulations and
17 Iowa department of natural resources rules on Iowa cities over
18 a ten-year period.

19 2. The study should include an analysis of projected
20 financial costs of such regulations and rules on a hypothetical
21 small Iowa community, medium-sized Iowa community, and large
22 Iowa community.

23 3. The study shall be concluded by June 30, 2016, and a
24 report shall be provided to the members of the general assembly
25 and to the governor.

26 Sec. 9. EFFECTIVE DATE. The section of this Act amending
27 section 17A.7, subsection 2, takes effect July 1, 2017.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to the review of administrative rules and
32 the rulemaking process.

33 CITIZENS' ADVISORY COMMITTEE. The bill requires that the
34 administrative rules coordinator create a citizens' committee,
35 to advise the administrative rules coordinator on rulemaking

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1 issues. The members of the committee shall not be paid a per
2 diem but shall be reimbursed for travel expenses.

3 RULEMAKING HEARINGS THROUGHOUT STATE. The bill requires
4 administrative agencies, to the extent practicable, to hold
5 rulemaking hearings in varied locations throughout the state
6 via the Iowa communications network or other electronic means
7 and provides that a hearing must be held in a particular city
8 or county when 25 interested persons from that city or county
9 make the request.

10 PRINCIPAL REASONS FOR AND AGAINST RULE. The bill requires
11 that every adopted rule must be accompanied by a concise
12 statement of the principal reasons for and against the rule
13 adopted. Under current law such a statement is only provided
14 on request.

15 JOBS IMPACT STATEMENTS. The bill requires that every
16 proposed rule under a notice of intended action or publication
17 without notice contain a jobs impact statement which outlines
18 the purpose and statutory authority of the rule and analyzes
19 and sets out in detail the impact of the proposed rule on state
20 agencies, local governments, the public, and the regulated
21 entities, including regulated businesses and self-employed
22 individuals affected by the rule. The statement must also
23 determine whether a proposed rule would have a positive
24 or negative impact on private sector jobs and employment
25 opportunities.

26 Commencing July 1, 2016, and every five years thereafter,
27 each agency shall prepare a jobs impact statement for all of
28 the agency's rules. The statement must be published in the
29 Iowa administrative bulletin.

30 As part of this requirement, an agency is required to
31 take steps to minimize the adverse impact on jobs and the
32 development of new employment opportunities before proposing
33 a rule.

34 The administrative rules coordinator may waive the jobs
35 impact statement requirement for emergency-filed rules or if

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1 unnecessary or impractical.

2 NEGOTIATED RULEMAKING GROUPS. If required by statute,
3 this bill requires an agency to create an ad hoc negotiated
4 rulemaking group to review draft rule proposals prior to
5 commencing a rulemaking proceeding. Where a statute does not
6 require this review, the bill allows an agency to create such
7 a review group. Members are appointed by the agency and the
8 composition must adequately represent a fair cross section of
9 interests and opinions regarding the rule. Once such a group
10 is created, the agency may only commence rulemaking after the
11 group has considered the draft rule proposal in question. This
12 provision is based on similar provisions found in the federal
13 Administrative Procedures Act.

14 FIVE-YEAR CYCLE OF AGENCY REVIEW OF RULES. Current
15 law requires that each state agency review all of its
16 administrative rules on a five-year cycle. The bill provides
17 additional procedures and criteria for such reviews.

18 FEDERAL LAW IMPLEMENTATION. The bill also provides that
19 state implementation of a federal statute, regulation,
20 or policy by a state agency shall not exceed the specific
21 requirements of the federal statute, regulation, or
22 policy, except as specifically allowed by state law. Any
23 portion of a state rule or policy that implements a federal
24 statute, regulation, or policy and that exceeds the specific
25 requirements of the federal statute, regulation, or policy is
26 automatically superseded by the specific requirements of that
27 federal statute, regulation, or policy.

28 ENVIRONMENTAL RULES STUDY. The bill provides that the
29 legislative council, in consultation with the department of
30 natural resources, shall establish a study to analyze the
31 projected financial effects of current and proposed United
32 States environmental protection agency regulations and Iowa
33 department of natural resources rules on Iowa cities over a
34 10-year period. The report of the study must be completed by
35 June 30, 2016.

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1 EFFECTIVE DATE. The provision of the bill relating to state
2 agency review of administrative rules on a five-year cycle
3 takes effect July 1, 2017.



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Senate File 115 - Introduced

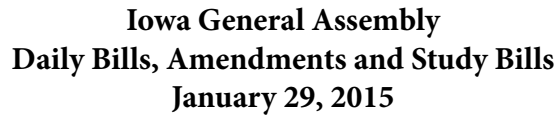
SENATE FILE 115

BY ZAUN, ANDERSON, ROZENBOOM,
GUTH, and WHITVER

A BILL FOR

1 An Act relating to verification of social security numbers for
2 public programs under the purview of the department of human
3 services.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1 Section 1. VERIFICATION OF SOCIAL SECURITY NUMBERS —
2 DEPARTMENT OF HUMAN SERVICES PUBLIC PROGRAMS. The department
3 of human services shall adopt rules to require that any
4 program supported by public funds under the department of human
5 services shall require verification by state or local staff,
6 as applicable, of the social security number of any applicant
7 for program services. The department shall incorporate the
8 verification requirement into all application processes in the
9 most cost-effective manner.

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

LSB 1804XS (3) 86
pf/nh



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Senate File 116 - Introduced

SENATE FILE 116
BY ZAUN

A BILL FOR

1 An Act authorizing a school district to adopt a mandatory
2 uniform policy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1840XS (1) 86
kh/sc



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S.F. 116

1 Section 1. Section 279.58, subsection 1, Code 2015, is
2 amended by striking the subsection.

3 Sec. 2. Section 279.58, subsection 2, Code 2015, is amended
4 to read as follows:

5 2. The board of directors of a school district may adopt,
6 for the district or for an individual school within the
7 district, a mandatory uniform policy or a dress code policy
8 ~~that prohibits students from wearing gang-related or other~~
9 ~~specific apparel~~ if the board determines that the such a policy
10 is necessary for the health, safety, or positive educational
11 environment of students and staff in the school environment or
12 for the appropriate discipline and operation of the school.

13 3. Adoption and enforcement of a mandatory uniform policy
14 or a dress code policy pursuant to this section is not a
15 violation of section 280.22 if the policy is viewpoint neutral,
16 is reasonably related to legitimate pedagogical concerns, or
17 protects students from sexually explicit, indecent, or lewd
18 speech.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill authorizes a school district to adopt, for the
23 school district or for an individual school, a mandatory
24 uniform policy, in addition to the dress code policy currently
25 authorized by the Code, if the board determines that such
26 a policy is necessary for the health, safety, or positive
27 educational environment of students and staff in the school
28 environment or for the appropriate discipline and operation of
29 the school.

30 The bill provides that such policies are not a violation
31 of Code section 280.22, which establishes that public school
32 students have the right to exercise freedom of speech, if
33 the policy is viewpoint neutral, is reasonably related to
34 legitimate pedagogical concerns, or protects students from
35 sexually explicit, indecent, or lewd speech.

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S.F. 116

1 The bill eliminates the general assembly's findings and
2 declarations regarding a dress code policy.



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Senate File 117 - Introduced

SENATE FILE 117
BY ZAUN

A BILL FOR

1 An Act concerning the retention of existing highway rest areas.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1760XS (2) 86
ns/sc



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S.F. 117

1 Section 1. NEW SECTION. 313.69 Rest area construction —
2 retention of existing rest areas.

3 Before the department determines whether to build a new rest
4 area, the department shall conduct a thorough cost-benefit
5 analysis to compare the cost of locating and constructing a
6 new rest area and the cost of keeping an existing rest area
7 open. The department shall consider all available options for
8 reconstructing, expanding, or otherwise improving an existing
9 rest area in accordance with section 306C.21 and shall not
10 proceed with construction of a new rest area unless it is
11 determined that making improvements to the existing rest area
12 would be cost prohibitive.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill requires the department of transportation to
17 conduct a cost-benefit analysis before proceeding with
18 construction of a new rest area along an interstate, freeway
19 primary, or primary highway. The department is to consider all
20 available options for reconstructing, expanding, or otherwise
21 improving existing rest areas and may not proceed with new
22 construction unless it is determined that making improvements
23 to the existing rest area would be cost prohibitive.



Iowa General Assembly
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Senate File 118 - Introduced

SENATE FILE 118

BY ZAUN, JOHNSON, ANDERSON,
ROZENBOOM, and GUTH

A BILL FOR

1 An Act establishing religious conscience protections for
2 employers regarding the provision of health insurance
3 or benefit coverages that include abortion and certain
4 contraceptive services.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1851XS (3) 86
pf/rj



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S.F. 118

1 Section 1. NEW SECTION. 91F.1 Employer religious conscience
2 protections — certain health benefit coverages.

3 1. As used in this chapter:

4 a. “Employee” means a natural person who is employed in this
5 state for wages paid on an hourly basis by an employer.

6 b. “Employer” means a person, as defined in section 4.1, who
7 in this state employs for wages one or more natural persons.
8 “Employer” includes an employer’s governing authority or
9 natural persons controlling the employer’s business activities.
10 “Employer” does not include a client, patient, customer, or
11 other person who obtains professional services from a licensed
12 person who provides the services on a fee service basis or
13 as an independent contractor, or the state, or an agency or
14 governmental subdivision of the state.

15 2. An employer shall not be required in this state under the
16 federal Patient Protection and Affordable Care Act, codified in
17 part at 42 U.S.C. §300gg-13(a)(1)-(4), to provide abortion or
18 certain contraceptive health insurance or benefit coverages for
19 employees or employees’ dependents if doing so would cause the
20 employer to violate a sincerely held religious belief to which
21 the employer subscribes.

22 3. Refusal to provide the specific health insurance or
23 benefit coverages described in subsection 2 shall not result in
24 either of the following:

25 a. Creation of any civil claim or cause of action or any
26 criminal charge against an employer acting in accordance with
27 this section.

28 b. An adverse action by the state or a political
29 subdivision, under any law of the state or a political
30 subdivision, to penalize or withhold benefits from an employer
31 acting in accordance with this section including but not
32 limited to tax exemptions or deductions; or government
33 contracts, grants, agreements, loans, certifications,
34 accreditations, employment or licenses, or similar position or
35 status.

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1 4. An employer may assert a violation of this section
2 as a claim or defense in a judicial proceeding and obtain
3 compensatory damages, injunctive relief, declaratory relief, or
4 any other appropriate relief, court costs, and attorney fees.

5 5. A county attorney or the attorney general may bring an
6 action for injunctive or declaratory relief to enforce this
7 section.

8 6. This section shall not be construed to deny or affect any
9 right or authority of the attorney general or of any agency,
10 agent, officer, or employee of the state to institute or
11 intervene in any proceeding relating to this section.

12 7. This section is intended to further the compelling
13 governmental interest of protecting the free exercise of
14 religion under Article I, sections 3 and 4 of the Constitution
15 of the State of Iowa, and the first amendment to the
16 Constitution of the United States, and shall be liberally
17 construed to effectuate this intent.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill provides religious conscience protections
22 for employers regarding the provision of health insurance
23 or benefit coverages that include abortion and certain
24 contraceptive services.

25 The bill provides that an employer shall not be required to
26 provide abortion or certain contraceptive health insurance or
27 benefit coverages for employees or employees' dependents if
28 doing so would cause the employer to violate a sincerely held
29 religious belief to which the employer subscribes. The bill
30 defines "employer" to include an employer's governing authority
31 or natural persons controlling the employer's business
32 activities.

33 The bill provides that refusal to provide such health
34 insurance or benefit coverages if in accordance with the bill,
35 shall not result in creation of any civil claim or cause of

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1 action or any criminal charge against an employer acting in
2 accordance with the bill; or an adverse action by the state
3 or a political subdivision, under any law of the state or a
4 political subdivision, to penalize or withhold benefits from
5 an employer acting in accordance with the bill including but
6 not limited to tax exemptions or deductions; or government
7 contracts, grants, agreements, loans, certifications,
8 accreditations, employment or licenses, or similar position or
9 status.

10 An individual or entity may assert a violation of the
11 bill as a claim or defense in a judicial proceeding and
12 obtain compensatory damages, injunctive relief, declaratory
13 relief, or any other appropriate relief, court costs, and
14 attorney fees. The bill provides that a county attorney or
15 the attorney general may bring an action for injunctive or
16 declaratory relief to enforce the bill and nothing in the bill
17 is to be construed to deny or affect any right or authority
18 of the attorney general, or any agency, agent, officer,
19 or employee of the state to institute or intervene in any
20 proceeding. The bill provides that it is intended to further
21 the compelling governmental interest of protecting the free
22 exercise of religion under Article I, sections 3 and 4 of the
23 Constitution of the State of Iowa, and the first amendment to
24 the Constitution of the United States, and is to be liberally
25 construed to effectuate this intent.



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Senate File 119 - Introduced

SENATE FILE 119
BY ZAUN, ANDERSON, ROZENBOOM,
and WHITVER

A BILL FOR

1 An Act relating to the sale or lease of the Iowa communications
2 network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ad/sc

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1 Section 1. SALE OR LEASE OF IOWA COMMUNICATIONS
2 NETWORK. The Iowa telecommunications and technology commission
3 shall implement a request for proposals process to sell
4 or lease the Iowa communications network. The request for
5 proposals shall provide for the sale to be concluded or the
6 lease to commence during the fiscal year beginning July 1,
7 2015. The commission shall condition the sale or lease of the
8 Iowa communications network with terms that will allow existing
9 authorized users of the network to continue such use at a
10 lower overall long-term cost when compared to the anticipated
11 operation and maintenance costs if state ownership and control
12 were to continue. The commission shall submit periodic status
13 reports to the general assembly at three-month intervals,
14 beginning on October 1, 2015, regarding progress made toward
15 selling or leasing the network.

EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill directs the Iowa telecommunications and technology
20 commission to implement a request for proposals process to sell
21 or lease the Iowa communications network, with the sale to be
22 concluded or lease to commence during the fiscal year beginning
23 July 1, 2015. The bill specifies that the sale or lease must
24 allow existing authorized users of the network to continue
25 use at a lower overall long-term cost when compared to the
26 anticipated operation and maintenance costs if state ownership
27 and control were to continue. The bill requires the commission
28 to submit status reports to the general assembly every three
29 months, beginning October 1, 2015, regarding progress made
30 toward selling or leasing the network.



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Senate File 120 - Introduced

SENATE FILE 120
BY FEENSTRA

A BILL FOR

1 An Act relating to the possession, sale, transfer, purchase,
2 and use of fireworks and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 120

1 Section 1. Section 100.1, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. To order the suspension of the use
4 of consumer fireworks, display fireworks, or novelties, as
5 described in section 727.2, if the fire marshal determines that
6 the use of such devices would constitute a threat to public
7 safety.

8 Sec. 2. Section 101A.1, subsection 3, Code 2015, is amended
9 to read as follows:

10 3. "*Explosive*" means any chemical compound, mixture
11 or device, the primary or common purpose of which is to
12 function by explosion with substantially instantaneous
13 release of gas and heat, unless such compound, mixture, or
14 device is otherwise specifically classified by the United
15 States department of transportation. The term "*explosive*"
16 includes all materials which are classified as a class 1,
17 division 1.1, 1.2, 1.3, or 1.4 explosive by the United States
18 department of transportation, under 49 C.F.R. §173.50, and all
19 materials classified as explosive materials under 18 U.S.C.
20 §841, and includes, but is not limited to, dynamite, black
21 powder, pellet powders, initiating explosives, blasting caps,
22 electric blasting caps, safety fuse, fuse lighters, fuse
23 igniters, squibs, cordeau detonative fuse, instantaneous fuse,
24 igniter cord, igniters, smokeless propellant, cartridges for
25 propellant-actuated power devices, cartridges for industrial
26 guns, and overpressure devices, but does not include "~~fireworks~~"
27 ~~as~~ "*consumer fireworks*", "*display fireworks*", or "*novelties*" as
28 those terms are defined in section 727.2 or ammunition or small
29 arms primers manufactured for use in shotguns, rifles, and
30 pistols. Commercial explosives are those explosives which are
31 intended to be used in commercial or industrial operations.

32 Sec. 3. Section 331.301, Code 2015, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 17. The board of supervisors may by
35 resolution suspend the use of consumer fireworks, display

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1 fireworks, or novelties, as described in section 727.2, if the
2 board determines that the use of such devices would constitute
3 a threat to public safety.

4 Sec. 4. Section 331.304, subsection 9, Code 2015, is amended
5 to read as follows:

6 9. The board, upon application, may grant permits for the
7 ~~display~~ use of ~~display~~ fireworks as provided in section 727.2.

8 Sec. 5. Section 364.2, Code 2015, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 6. A city council may by resolution suspend
11 the use of consumer fireworks, display fireworks, or novelties,
12 as described in section 727.2, if the city council determines
13 that the use of such devices would constitute a threat to
14 public safety.

15 Sec. 6. Section 461A.42, subsection 2, Code 2015, is amended
16 to read as follows:

17 2. The use of consumer fireworks, display fireworks, or
18 novelties, as defined in section 727.2, in state parks and
19 preserves is prohibited except as authorized by a permit issued
20 by the department. The commission shall establish, by rule
21 adopted pursuant to chapter 17A, a fireworks permit system
22 which authorizes the issuance of a limited number of permits to
23 qualified persons to use or display fireworks in selected state
24 parks and preserves.

25 Sec. 7. Section 727.2, Code 2015, is amended to read as
26 follows:

27 **727.2 Fireworks.**

28 1. For purposes of this section:

29 a. "Consumer fireworks" includes all consumer fireworks
30 enumerated in chapter 3 of the American pyrotechnics
31 association's standard 87-1, and that comply with the labeling
32 regulations promulgated by the United States consumer product
33 safety commission.

34 b. The term "fireworks" "Display fireworks" includes any
35 explosive composition, or combination of explosive substances,

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1 or article prepared for the purpose of producing a visible
2 or audible effect by combustion, explosion, deflagration,
3 or detonation, and includes ~~blank cartridges, firecrackers,~~
4 ~~torpedoes, skyrockets, roman candles, or other fireworks of~~
5 ~~like construction and~~ fireworks containing any explosive or
6 flammable compound, or other device containing any explosive
7 substance. The term ~~"fireworks"~~ "Display fireworks" does not
8 include ~~goldstar-producing sparklers on wires which contain~~
9 ~~no magnesium or chlorate or perchlorate, flitter sparklers~~
10 ~~in paper tubes that do not exceed one-eighth of an inch in~~
11 ~~diameter, toy snakes which contain no mercury, or caps used~~
12 ~~in cap pistols~~ novelties or consumer fireworks enumerated in
13 chapter 3 of the American pyrotechnics association's standard
14 87-1.

15 c. "Novelties" includes all novelties enumerated in chapter
16 3 of the American pyrotechnics association's standard 87-1, and
17 that comply with the labeling regulations promulgated by the
18 United States consumer product safety commission.

19 2. A person, firm, partnership, or corporation who offers
20 for sale, exposes for sale, sells at retail, or uses or
21 explodes any display fireworks, commits a simple misdemeanor.
22 ~~In addition to any other penalties, the punishment imposed~~
23 ~~for a violation of this section shall include assessment~~
24 ~~of, punishable by~~ a fine of not less than two hundred fifty
25 dollars. However, ~~the~~ a city council of a city or a county
26 board of supervisors may, upon application in writing, grant a
27 permit for the display of display fireworks by municipalities,
28 fair associations, amusement parks, and other organizations
29 or groups of individuals approved by the city or the county
30 board of supervisors when the display fireworks ~~display~~ will
31 be handled by a competent operator, but no such permit shall
32 be required for the display of display fireworks at the Iowa
33 state fairgrounds by the Iowa state fair board, at incorporated
34 county fairs, or at district fairs receiving state aid. Sales
35 of display fireworks for such display may be made for that

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1 purpose only.

2 3. a. A person who uses or explodes display fireworks while
3 the use of such devices is suspended by a resolution adopted
4 by the county or city in which the firework is used commits a
5 simple misdemeanor, punishable by a fine of not less than two
6 hundred fifty dollars.

7 b. A person who uses or explodes display fireworks while the
8 use of such devices is suspended by an order of the state fire
9 marshal commits a simple misdemeanor, punishable by a fine of
10 not less than two hundred fifty dollars.

11 4. a. A person who is at least eighteen years of age or
12 a firm, partnership, or corporation may possess or transfer,
13 offer for sale, expose for sale, or sell at retail to a person
14 who is eighteen years of age or older novelties or consumer
15 fireworks. A person who is eighteen years of age or older may
16 use or explode novelties or consumer fireworks.

17 b. A person, firm, partnership, or corporation who transfers
18 or sells novelties or consumer fireworks to a person who is
19 less than eighteen years of age commits a simple misdemeanor,
20 punishable by a fine of not less than two hundred fifty
21 dollars. A person who is less than eighteen years of age who
22 purchases, possesses, uses, or explodes novelties or consumer
23 fireworks commits a simple misdemeanor, punishable by a fine of
24 not less than two hundred fifty dollars.

25 c. (1) A person who uses or explodes novelties or consumer
26 fireworks while the use of such devices is suspended by a
27 resolution adopted by the county or city in which the firework
28 is used commits a simple misdemeanor, punishable by a fine of
29 not less than two hundred fifty dollars.

30 (2) A person who uses or explodes novelties or consumer
31 fireworks while the use of such devices is suspended by an
32 order of the state fire marshal commits a simple misdemeanor,
33 punishable by a fine of not less than two hundred fifty
34 dollars.

35 ~~3.~~ 5. a. This section does not prohibit the sale by a

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1 resident, dealer, manufacturer, or jobber of such fireworks as
2 are not prohibited by this section, or the sale of any kind
3 of fireworks if they are to be shipped out of the state, or
4 the sale or use of blank cartridges for a show or the theater,
5 or for signal purposes in athletic sports or by railroads
6 or trucks, for signal purposes, or by a recognized military
7 organization.

8 **b.** This section does not apply to any substance or
9 composition prepared and sold for medicinal or fumigation
10 purposes.

11 **c.** This section does not apply to goldstar-producing
12 sparklers on wires which contain no magnesium or chlorate or
13 perchlorate, flitter sparklers in paper tubes that do not
14 exceed one-eighth of an inch in diameter, toy snakes which
15 contain no mercury, or caps used in cap pistols.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill provides for the legal sale and use of novelties
20 and consumer fireworks within the state.

21 Current law provides that a person, firm, partnership, or
22 corporation who offers for sale, exposes for sale, sells at
23 retail, or uses or explodes any fireworks, commits a simple
24 misdemeanor. Current law, however, also provides that a county
25 board of supervisors or the department of natural resources may
26 grant a permit for the display of fireworks if the fireworks
27 display will be handled by a competent operator. Current
28 law further provides that the term "fireworks" includes any
29 explosive composition, or combination of explosive substances,
30 or article prepared for the purpose of producing a visible
31 or audible effect by combustion, explosion, deflagration,
32 or detonation, including blank cartridges, firecrackers,
33 torpedoes, skyrockets, roman candles, or other fireworks of
34 like construction and fireworks containing any explosive or
35 flammable compound, or other device containing any explosive

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1 substance with limited exceptions.

2 The bill maintains these restrictions for display fireworks
3 and provides that the term "display fireworks" shall not
4 include novelties or consumer fireworks. The bill provides
5 that the terms "novelties" and "consumer fireworks" each
6 respectively include all novelties or consumer fireworks
7 enumerated in chapter 3 of the American pyrotechnics
8 association's standard 87-1, which comply with the labeling
9 regulations promulgated by the United States consumer product
10 safety commission.

11 The bill provides that a person who is at least 18 years
12 of age or a firm, partnership, or corporation may possess, or
13 transfer, offer for sale, expose for sale, or sell at retail
14 any novelties or consumer fireworks to any person who is at
15 least 18 years of age. The bill provides that any person who
16 is at least 18 years of age may use or explode novelties or
17 consumer fireworks.

18 The bill provides that a person, firm, partnership, or
19 corporation who transfers or sells novelties or any consumer
20 firework to a person who is less than 18 years of age commits
21 a simple misdemeanor. A person who is less than 18 years of
22 age who purchases, possesses, uses, or explodes novelties or
23 any consumer fireworks commits a simple misdemeanor. A simple
24 misdemeanor is generally punishable by confinement for no more
25 than 30 days or a fine of at least \$65 but not more than \$625 or
26 by both, but the bill provides for a fine of at least \$250.

27 The bill provides that the state fire marshal may order
28 the suspension of the use of consumer fireworks, display
29 fireworks, or novelties if the fire marshal determines that
30 the use of such devices would constitute a threat to public
31 safety. The bill further provides that a county board of
32 supervisors or city council may by ordinance suspend the use
33 of consumer fireworks, display fireworks, or novelties if the
34 board or council determines that the use of such devices would
35 constitute a threat to public safety. The bill provides that a

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1 person who violates such an order or ordinance commits a simple
2 misdemeanor, punishable by a fine of at least \$250.

3 The bill maintains current exemptions for goldstar-producing
4 sparklers on wires which contain no magnesium or chlorate or
5 perchlorate, flitter sparklers in paper tubes that do not
6 exceed one-eighth of an inch in diameter, toy snakes which
7 contain no mercury, and caps used in cap pistols.



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Senate File 121 - Introduced

SENATE FILE 121

BY GARRETT, CHAPMAN,
SCHULTZ, BEHN, SINCLAIR,
COSTELLO, CHELGREN,
SCHNEIDER, GUTH, ROZENBOOM,
FEENSTRA, KAPUCIAN,
JOHNSON, SEGEBART, ZAUN,
KRAAYENBRINK, BERTRAND,
SHIPLEY, ANDERSON,
BREITBACH, ZUMBACH, and
SMITH

A BILL FOR

1 An Act concerning government accountability, relating to state
2 employee bonuses, and personnel records and settlement
3 agreements and disciplinary actions, and including effective
4 date and retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1815XS (4) 86
ec/rj



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1 DIVISION I

2 PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS

3 Section 1. Section 22.7, subsection 11, paragraph a, Code
4 2015, is amended to read as follows:

5 a. Personal information in confidential personnel records
6 of government bodies relating to identified or identifiable
7 individuals who are officials, officers, or employees of the
8 government bodies. However, the following information relating
9 to such individuals contained as of or after January 1, 2004,
10 in personnel records shall be public records:

11 (1) The name and compensation of the individual including
12 any written agreement establishing compensation or any other
13 terms of employment excluding any information otherwise
14 excludable from public information pursuant to this section or
15 any other applicable provision of law. For purposes of this
16 paragraph, "compensation" means payment of, or agreement to pay,
17 any money, thing of value, or financial benefit conferred in
18 return for labor or services rendered by an official, officer,
19 or employee plus the value of benefits conferred including but
20 not limited to casualty, disability, life, or health insurance,
21 other health or wellness benefits, vacation, holiday, and sick
22 leave, severance payments, retirement benefits, and deferred
23 compensation.

24 (2) The dates the individual was employed by the government
25 body.

26 (3) The positions the individual holds or has held with the
27 government body.

28 (4) The educational institutions attended by the
29 individual, including any diplomas and degrees earned, and
30 the names of the individual's previous employers, positions
31 previously held, and dates of previous employment.

32 (5) The fact that the individual resigned in lieu of
33 termination, was discharged, or was demoted as the result
34 of a final disciplinary action upon the exhaustion of all
35 applicable contractual, legal, and statutory remedies, and the

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1 documented reasons and rationale for the resignation in lieu
2 of termination, the discharge, or the demotion. For purposes
3 of this subparagraph, "demoted" and "demotion" mean a change
4 of an employee from a position in a given classification to a
5 position in a classification having a lower pay grade.

6 Sec. 2. NEW SECTION. 70A.35 Personnel settlement agreements
7 — public employers.

8 1. For purposes of this section:

9 a. "*Personnel settlement agreement*" means a binding legal
10 agreement between an employee and the employee's state employer
11 to resolve a personnel dispute including but not limited to a
12 grievance. "*Personnel settlement agreement*" does not include
13 an initial decision by an employee's immediate supervisor
14 concerning a personnel dispute or grievance.

15 b. "*State employer*" means any of the following:

16 (1) The executive branch of state government, to include
17 a unit of state government, which is an authority, board,
18 commission, committee, council, department, or independent
19 agency as defined in section 7E.4, including but not limited
20 to each principal central department enumerated in section
21 7E.5; the office of the governor; and the office of an elective
22 constitutional or statutory officer.

23 (2) The general assembly, or any office or unit under its
24 administrative authority.

25 (3) The judicial branch, as provided in section 602.1102.

26 2. Personnel settlement agreements shall not contain any
27 confidentiality or nondisclosure provision that attempts to
28 prevent the disclosure of the personnel settlement agreement.
29 In addition, any confidentiality or nondisclosure provision in
30 a personnel settlement agreement is void and unenforceable.

31 3. The requirements of this section shall not be superseded
32 by any provision of a collective bargaining agreement.

33 4. All personnel settlement agreements shall be made easily
34 accessible to the public on an internet site maintained as
35 follows:

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1 a. For personnel settlement agreements with an employee of
2 the executive branch, excluding an employee of the state board
3 of regents or institution under the control of the state board
4 of regents, by the department of administrative services.

5 b. For personnel settlement agreements with an employee of
6 the state board of regents or institution under the control of
7 the state board of regents, by the state board of regents.

8 c. For personnel settlement agreements with an employee of
9 the general assembly, by the general assembly.

10 d. For personnel settlement agreements with an employee of
11 the judicial branch, by the judicial branch.

12 Sec. 3. IMPLEMENTATION PROVISION. This division of this
13 Act shall not be construed to limit or impair the ability of
14 law enforcement personnel to investigate any activity that may
15 violate the laws of the state.

16 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
17 Act, being deemed of immediate importance, takes effect upon
18 enactment.

19 Sec. 5. RETROACTIVE APPLICABILITY. The section of this
20 division of this Act amending section 22.7, subsection 11,
21 applies retroactively to all information described in section
22 22.7, subsection 11, paragraph "a", subparagraphs (1) through
23 (5), as amended by this division of this Act, relating to
24 information of such individuals contained as of or after
25 January 1, 2004, in personnel records.

DIVISION II

STATE EMPLOYEE BONUSES

26
27
28 Sec. 6. NEW SECTION. 22.13A **Executive branch bonuses —**
29 **disclosure.**

30 1. For purposes of this section:

31 a. "*Bonus pay*" means any additional remuneration provided an
32 employee in the form of a bonus, including but not limited to a
33 retention bonus, recruitment bonus, exceptional job performance
34 pay, extraordinary job performance pay, exceptional performance
35 pay, extraordinary duty pay, or extraordinary or special duty

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1 pay, and any extra benefit not otherwise provided to other
2 similarly situated employees.

3 *b. "Executive branch employee"* means an employee of the
4 executive branch of state government, which includes any
5 unit of state government, including but not limited to an
6 authority, board, commission, committee, council, department,
7 or independent agency as defined in section 7E.4, and each
8 principal central department enumerated in section 7E.5;
9 the office of the governor; and the office of an elective
10 constitutional or statutory officer.

11 2. A decision to provide bonus pay to an executive branch
12 employee, including the amount paid and the documented reasons
13 and rationale for the bonus paid, shall be a public record.

14 3. All decisions to provide bonus pay to an executive branch
15 employee, including information described in subsection 2,
16 shall be made easily accessible to the public on an internet
17 site maintained as follows:

18 a. For decisions to provide bonus pay to an employee of the
19 executive branch, excluding an employee of the state board of
20 regents or institution under the control of the state board of
21 regents, by the department of administrative services.

22 *b.* For decisions to provide bonus pay to an employee of the
23 state board of regents or institution under the control of the
24 state board of regents, by the state board of regents.

25 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.

EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill concerns government accountability and government
32 employment practices.

33 PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS. This division
34 of the bill relates to personal information in confidential
35 personnel records of government bodies and personnel settlement

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1 agreements.

2 Code section 22.7(11), governing personal information
3 in confidential personnel records of government bodies,
4 is amended. Previous legislation, effective May 12, 2011,
5 provides that certain information in confidential personnel
6 records is considered a public record. The bill provides
7 that this information in a confidential personnel record as
8 of or after January 1, 2004, is a public record. The bill
9 further amends this subsection to provide that information
10 in an official's, officer's, or employee's personnel records
11 concerning the fact that such an individual resigned in
12 lieu of termination or was demoted as the result of a final
13 disciplinary action by a government body and the documented
14 reasons and rationale for any resignation in lieu of
15 termination, discharge, or demotion against an individual
16 are public records and not confidential. Under current law,
17 only the fact in a personnel record that the individual was
18 discharged is considered a public record and not confidential.
19 The amendments to this subsection take effect upon enactment
20 and apply retroactively to information contained as of or after
21 January 1, 2004, in personnel records.

22 New Code section 70A.35 provides that personnel settlement
23 agreements between the state and an employee of the state shall
24 not contain any confidentiality or nondisclosure provisions
25 that attempt to prevent the disclosure of the personnel
26 settlement agreement and shall be made available to the public
27 on an internet site. In addition, the bill provides that any
28 confidentiality or nondisclosure provision in a personnel
29 settlement agreement is not enforceable. New Code section
30 70A.35 is applicable to employees of a state employer and
31 defines a personnel settlement agreement as a binding legal
32 agreement between an employee and the employee's state employer
33 to resolve a personnel dispute including but not limited to
34 certain grievances. The bill defines "state employer" to
35 include the executive, legislative, and judicial branches

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1 of government. The bill provides that the internet site be
2 maintained by the department of administrative services,
3 board of regents, general assembly, or judicial branch, as
4 applicable, based on the employee covered. The bill also
5 provides that the requirements of this new provision shall not
6 be superseded by any collective bargaining agreement. These
7 provisions of this division of this bill take effect upon
8 enactment.

9 The division further provides that this division of the bill
10 shall not be construed to limit the ability of law enforcement
11 personnel to investigate any activity that may violate state
12 law.

13 STATE EMPLOYEE BONUSES. This division of the bill concerns
14 executive branch bonuses. New Code section 22.13A requires
15 that information concerning bonus pay awarded to an executive
16 branch employee in any amount, including the name of the
17 employee, the amount paid and the reasons for the bonus, shall
18 be made easily accessible to the public on an internet site.
19 This division of the bill takes effect upon enactment.



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Senate Study Bill 1118 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MATHIS)

A BILL FOR

1 An Act relating to the use of moneys in the anatomical gift
2 public awareness and transplantation fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 142C.15, subsection 4, paragraph c,
2 unnumbered paragraph 1, Code 2015, is amended to read as
3 follows:

4 ~~Not more than fifty percent of the~~ Any unobligated moneys
5 in the fund annually may be expended in the form of grants to
6 transplant recipients, transplant candidates, living organ
7 donors, or to legal representatives on behalf of transplant
8 recipients, transplant candidates, or living organ donors.
9 Transplant recipients, transplant candidates, living organ
10 donors, or the legal representatives of transplant recipients,
11 transplant candidates, or living organ donors shall submit
12 grant applications with supporting documentation provided
13 by a hospital that performs transplants, verifying that the
14 person by or for whom the application is submitted requires a
15 transplant or is a living organ donor and specifying the amount
16 of the costs associated with the following, if funds are not
17 available from any other third-party payor:

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill provides that instead of a limitation of not more
22 than 50 percent, any unobligated moneys in the anatomical
23 gift public awareness and transplantation fund, annually, may
24 be expended in the form of grants to transplant recipients,
25 transplant candidates, or living organ donors, or to legal
26 representatives on behalf of transplant recipients, transplant
27 candidates, or living organ donors. Such grants are based on
28 grant applications submitted with supporting documentation
29 provided by a hospital that performs transplants, verifying
30 that the person by or for whom the application is submitted
31 requires a transplant or is a living organ donor and specifying
32 the amount of the costs associated with the costs of the organ
33 transplantation procedure, the costs of post-transplantation
34 drug or other therapy, and other transplantation costs
35 including but not limited to food, lodging, and transportation,

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1 if funds are not available from any other third-party payor.
2 Under current law, not more than 5 percent of the moneys in
3 the fund may be used by the Iowa department of public health
4 for administrative costs and of the remaining moneys in the
5 fund, not more than 20 percent annually may be expended in
6 the form of grants to state agencies or to nonprofit legal
7 entities with an interest in anatomical gift public awareness
8 and transplantation to conduct public awareness projects; and
9 not more than 30 percent annually may be expended in the form
10 of grants to hospitals for reimbursement for costs directly
11 related to the development of in-hospital anatomical gift
12 public awareness projects, anatomical gift referral protocols,
13 and associated administrative expenses.



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Senate Study Bill 1119 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to the operation of a snowmobile within
2 the right-of-way of an interstate highway or freeway and
3 including penalty provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 321G.9, subsection 1, Code 2015, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. A snowmobile shall not be operated at any time within
5 the right-of-way of any interstate highway or freeway within
6 this state. However, a snowmobile may be operated within the
7 right-of-way of an interstate highway or freeway when using
8 an underpass or crossing a bridge located on the interstate
9 highway or freeway if the snowmobile is brought to a complete
10 stop before entering onto the right-of-way and the driver
11 yields the right-of-way to any approaching vehicle on the
12 roadway.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill provides that a snowmobile may be operated on
17 the right-of-way of an interstate or freeway when using an
18 underpass or crossing a bridge if the snowmobile is brought
19 to a complete stop before entering onto the right-of-way and
20 the driver yields the right-of-way to any approaching vehicle
21 on the roadway. Currently, a snowmobile may be operated on
22 the right-of-way only when using an underpass that has been
23 abandoned and the underpass is the only alternative to the use
24 of a traveled roadway.

25 A violation of the bill's provisions is punishable with a
26 scheduled fine of \$50.



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Senate Study Bill 1120 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act relating to the computation of the economic losses of
2 crime victims and payment of compensation by the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1290DP (10) 86
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1 Section 1. Section 915.80, Code 2015, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 4A. "*Emergency relocation*" means a
4 relocation that takes place within thirty days of the date of a
5 crime or the discovery of a crime, or within thirty days after
6 a crime could reasonably be reported. "*Emergency relocation*"
7 also includes a relocation that takes place within the thirty
8 days before or after an offender related to the crime is
9 released from incarceration.

10 NEW SUBSECTION. 4B. "*Housing assistance*" means living
11 expenses associated with owning or renting housing, including
12 essential utilities, intended to maintain or reestablish the
13 living arrangement, health, and safety of a victim impacted by
14 a crime.

15 Sec. 2. Section 915.84, Code 2015, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 1A. The department may waive, for good
18 cause shown, the requirement that an emergency relocation must
19 take place within thirty days of the date or discovery of a
20 crime or within thirty days before or after the offender is
21 released from incarceration.

22 Sec. 3. Section 915.86, subsections 4, 8, 9, 10, 13, 14, and
23 15, Code 2015, are amended to read as follows:

24 4. Loss of income from work that the victim, ~~the victim's~~
25 ~~parent or caretaker,~~ secondary victim, or the survivor of a
26 homicide victim as described in subsection ~~10~~ 9 would have
27 performed and for which that person would have received
28 remuneration, where the loss of income is a direct result of
29 cooperation with the investigation and prosecution of the
30 crime or attendance at criminal justice proceedings including
31 the trial and sentencing in the case, or where the loss of
32 income is a direct result of planning for or attending funeral,
33 burial, or memorial services of the homicide victim, not to
34 exceed one thousand dollars per person.

35 8. In the event of a victim's death, reasonable charges

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1 incurred for counseling ~~the victim's spouse, children, parents,~~
2 ~~siblings, or persons cohabiting with or related by blood or~~
3 ~~affinity to the victim~~ the survivors of a homicide victim as
4 described in subsection 9, if the counseling services are
5 provided by a psychologist licensed under chapter 154B, a
6 victim counselor as defined in section 915.20A, subsection
7 1, or an individual holding at least a master's degree in
8 social work or counseling and guidance, and reasonable charges
9 incurred by such persons for medical care counseling provided
10 by a psychiatrist licensed under chapter 148. The allowable
11 charges under this subsection shall not exceed five thousand
12 dollars per person.

13 9. In the event of a homicide, reasonable charges
14 incurred for health care for the survivors of the homicide
15 victim who are the victim's spouse; child, foster child,
16 stepchild, son-in-law, or daughter-in-law; parent, foster
17 parent, or stepparent; sibling, foster sibling, stepsibling,
18 brother-in-law, or sister-in-law; grandparent; grandchild;
19 aunt, uncle, or first cousin; legal ward; or person cohabiting
20 with the victim; or person related by blood or affinity to the
21 victim, not to exceed three thousand dollars per survivor.

22 10. In the event of a homicide, loss of income from
23 work that, but for the death of the victim, would have
24 been earned by ~~the victim's spouse; child, foster child,~~
25 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
26 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
27 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
28 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
29 with the survivors of a homicide victim as described in
30 subsection 9, not to exceed six thousand dollars per person.

31 13. Reasonable dependent care expenses incurred by the
32 victim, ~~the victim's parent or caretaker,~~ secondary victim, or
33 the survivor of a homicide victim as described in subsection
34 ~~10 9~~ 9 for the care of dependents while attending criminal
35 justice proceedings or medical or counseling services, or while

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1 planning for or attending funeral, burial, or memorial services
2 for the homicide victim, not to exceed one thousand dollars per
3 person.

4 14. Reasonable expenses incurred by a victim, ~~the victim's~~
5 ~~parent or caretaker~~ secondary victim, or the survivor of a
6 homicide victim as described in subsection ~~10~~ 9 to replace or
7 to provide locks, windows, and other crime-related residential
8 security items ~~at the victim's residence or at the residential~~
9 ~~scene of a crime~~, not to exceed five hundred dollars per
10 residence person.

11 15. Reasonable expenses incurred by the victim, a secondary
12 victim, ~~the parent or guardian of a victim~~, or the survivor
13 of a homicide victim as described in subsection ~~10~~ 9 for
14 transportation to medical, counseling, funeral, or criminal
15 justice proceedings, not to exceed one thousand dollars per
16 person.

17 Sec. 4. Section 915.86, Code 2015, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 16. Reasonable charges incurred by a
20 victim, a secondary victim, the survivor of a homicide victim
21 as described in subsection 9, or by a victim service program on
22 behalf of a victim, for emergency relocation expenses, not to
23 exceed one thousand dollars per person per state fiscal year.

24 NEW SUBSECTION. 17. Reasonable expenses incurred by a
25 victim, or by a victim service program on behalf of a victim,
26 for up to three months of housing assistance, not to exceed two
27 thousand dollars per person per state fiscal year.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to the computation of the economic losses
32 of crime victims and payment of compensation by the state.

33 The bill specifies that the department of justice
34 administering the crime victim compensation program may award
35 reasonable charges incurred by a victim, a secondary victim,

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1 or the survivor of a homicide victim, or by a victim service
2 program on behalf of a victim, for emergency relocation
3 expenses, not to exceed \$1,000, per person, per state fiscal
4 year. To claim emergency relocation compensation under the
5 bill, the relocation shall have occurred within 30 days of the
6 date of a crime or the discovery of a crime, within 30 days
7 after a crime could reasonably be reported, or within 30 days
8 before or after the date the offender related to the crime is
9 released from incarceration. The 30-day limitation to conduct
10 an emergency relocation required by the bill may be waived by
11 the department of justice upon a showing of good cause. The
12 bill specifies that the 30-day time period to request emergency
13 relocation compensation may be waived by the department of
14 justice upon a showing of good cause.

15 The bill specifies that the department of justice may also
16 award reasonable expenses for up to three months of housing
17 assistance incurred by a victim or by a victim service program
18 on behalf of a victim, not to exceed \$2,000 per person per
19 state fiscal year.

20 The amendment to Code section 915.86(4) expands the persons
21 eligible to receive victim compensation for loss of income due
22 to cooperating with an investigation, and attending criminal
23 justice proceedings, and other circumstances. The bill
24 specifies that a secondary victim is now eligible to receive
25 such compensation. Code section 915.80(5) defines "secondary
26 victim" to include the victim's spouse, children, parents, and
27 siblings, and any person who resides in the victim's household
28 at the time of the crime or at the time of the discovery of
29 the crime. The bill also expands the circumstances where loss
30 of income is reimbursed to include planning for or attending
31 funeral, burial, or memorial services of the homicide victim.
32 The bill limits the amount of compensation to no more than
33 \$1,000 per person. Current law limits the victim compensation
34 for loss of income to the victim, to the parent or caretaker
35 of the victim, and to certain survivors, and the circumstances

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1 that loss of income is compensable to cooperating with an
2 investigation and attending criminal justice proceedings.

3 In the event of the death of the victim, the amendment
4 to Code section 915.86(8) specifies that reasonable charges
5 incurred for counseling the survivors of a homicide victim are
6 payable as victim compensation to the survivors. The bill as
7 amended in Code section 915.86(9) describes survivors of a
8 homicide victim as the victim's spouse; child, foster child,
9 stepchild, son-in-law, or daughter-in-law; parent, foster
10 parent, or stepparent; sibling, foster sibling, stepsibling,
11 brother-in-law, or sister-in-law; grandparent; grandchild;
12 aunt, uncle, or first cousin; legal ward; person cohabiting
13 with the victim; or person related by blood or affinity to
14 the victim. Current law specifies that the victim's spouse,
15 children, parents, siblings, or person cohabiting with or
16 related by blood or affinity to the victim are eligible to have
17 counseling paid for as victim compensation.

18 The amendment to Code section 915.86(10) strikes provisions
19 relating to family members eligible to receive compensation for
20 loss of income due to the death of the victim and transfers
21 such provisions to Code section 915.86(9) and expands the
22 persons eligible to receive victim compensation for loss of
23 income from work due to the death of the victim to include any
24 person related to the victim by blood or affinity in an amount
25 not to exceed \$6,000 per person.

26 The amendment to Code section 915.86(13) expands the
27 persons eligible to receive victim compensation for reasonable
28 dependent care expenses incurred for attending criminal justice
29 proceedings or medical or counseling services. The bill
30 specifies that "secondary victims", as defined in Code section
31 915.80(5), are eligible to receive such victim compensation.
32 Current law specifies that dependent care expenses are only
33 awardable as victim compensation to the victim, the victim's
34 parent or caretaker, and certain survivors. The amendment to
35 Code section 915.86(13) also expands the events for which such

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1 reasonable dependent care expenses are awardable as victim
2 compensation to include planning for or attending funeral,
3 burial, or memorial services for the homicide victim.

4 The amendment to Code section 915.86(14) expands the persons
5 eligible to receive victim compensation for the replacement of
6 locks, windows, and other crime-related residential security
7 items, and permits such security items to be initially provided
8 to the person. The bill specifies that "secondary victims",
9 as defined in Code section 915.80(5), are eligible to receive
10 such victim compensation. Current law specifies that home
11 security expenses are only awardable as victim compensation
12 to the victim, the victim's parent or caretaker, and certain
13 survivors. The bill also strikes a provision that limits a
14 victim's residence or the residential scene of the crime as the
15 only locations for which victim compensation may be awarded
16 in order to replace residential security items. The bill
17 also specifies that the victim compensation for such security
18 items shall not exceed \$500 per person rather than \$500 per
19 residence.

20 The amendment to Code section 915.86(15) makes an internal
21 reference change relating to transportation costs to medical,
22 counseling, funeral, or criminal justice proceedings, resulting
23 in extending such victim compensation to persons related by
24 blood or affinity to the victim but excluding guardians from
25 the receipt of such victim compensation.



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Senate Study Bill 1121 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the possession of marijuana, and providing
2 a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 124.401, subsection 5, Code 2015, is
2 amended to read as follows:

3 5. It is unlawful for any person knowingly or intentionally
4 to possess a controlled substance unless such substance was
5 obtained directly from, or pursuant to, a valid prescription
6 or order of a practitioner while acting in the course of the
7 practitioner's professional practice, or except as otherwise
8 authorized by this chapter. Any Except as otherwise provided
9 in this subsection, any person who violates this subsection
10 is guilty of a serious misdemeanor for a first offense. A
11 person who commits a violation of this subsection and who has
12 previously been convicted of violating this chapter or chapter
13 124A, 124B, or 453B is guilty of an aggravated misdemeanor.
14 A person who commits a violation of this subsection and has
15 previously been convicted two or more times of violating this
16 chapter or chapter 124A, 124B, or 453B is guilty of a class "D"
17 felony.

18 a. (1) If Except as provided in subparagraph (4), if the
19 controlled substance is marijuana, the punishment shall be by
20 imprisonment in the county jail for not more than six months or
21 by a fine of not more than one thousand dollars, or by both such
22 fine and imprisonment for a first offense.

23 (2) If the controlled substance is marijuana and the person
24 has been previously convicted of a violation of this subsection
25 in which the controlled substance was marijuana, the punishment
26 shall be as provided in section 903.1, subsection 1, paragraph
27 "b".

28 (3) If the controlled substance is marijuana and the person
29 has been previously convicted two or more times of a violation
30 of this subsection in which the controlled substance was
31 marijuana, the person is guilty of an aggravated misdemeanor.

32 (4) If the controlled substance is five grams or less of
33 marijuana and subparagraphs (2) and (3) do not apply, the
34 person is guilty of a simple misdemeanor.

35 (5) A person may knowingly or intentionally recommend,

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1 possess, use, dispense, deliver, transport, or administer
2 cannabidiol if the recommendation, possession, use, dispensing,
3 delivery, transporting, or administering is in accordance with
4 the provisions of chapter 124D. For purposes of this paragraph
5 subparagraph, "cannabidiol" means the same as defined in section
6 124D.2.

7 b. All or any part of a sentence imposed pursuant to
8 this subsection may be suspended and the person placed upon
9 probation upon such terms and conditions as the court may
10 impose including the active participation by such person in a
11 drug treatment, rehabilitation or education program approved
12 by the court.

13 c. If a person commits a violation of this subsection, the
14 court shall order the person to serve a term of imprisonment of
15 not less than forty-eight hours. Any sentence imposed may be
16 suspended, and the court shall place the person on probation
17 upon such terms and conditions as the court may impose. If
18 the person is not sentenced to confinement under the custody
19 of the director of the department of corrections, the terms
20 and conditions of probation shall require submission to random
21 drug testing. If the person fails a drug test, the court may
22 transfer the person's placement to any appropriate placement
23 permissible under the court order.

24 d. If the controlled substance is amphetamine, its salts,
25 isomers, or salts of its isomers, or methamphetamine, its
26 salts, isomers, or salts of its isomers, the court shall order
27 the person to serve a term of imprisonment of not less than
28 forty-eight hours. Any sentence imposed may be suspended,
29 and the court shall place the person on probation upon such
30 terms and conditions as the court may impose. The court may
31 place the person on intensive probation. However, the terms
32 and conditions of probation shall require submission to random
33 drug testing. If the person fails a drug test, the court may
34 transfer the person's placement to any appropriate placement
35 permissible under the court order.

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EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill relates to the possession of marijuana.

5 The bill provides that a person who possesses five grams
6 or less of marijuana commits a simple misdemeanor for a first
7 offense. A simple misdemeanor is punishable by confinement for
8 no more than 30 days or a fine of at least \$65 but not more than
9 \$625 or by both.

10 Current law provides that a person who commits first
11 offense possession of marijuana commits a serious misdemeanor
12 punishable by confinement for not more than six months or by
13 a fine of not more than \$1,000 or by both. The bill does not
14 modify the penalty for second offense possession of marijuana
15 which is punishable by confinement for no more than one year
16 and a fine of at least \$315 but not more than \$1,875. The bill
17 also does not modify the penalty for a third or subsequent
18 possession of marijuana offense which is punishable by
19 confinement for no more than two years and a fine of at least
20 \$625 but not more than \$6,250.